# **AGENDA**

# ORDINARY COUNCIL MEETING

HELD AT COUNCIL ADMINISTRATION BUILDING, 145 YOUNG STREET, AYR

on 13 November 2012

**COMMENCING AT 9:00AM** 



## **BURDEKIN SHIRE COUNCIL**



#### **TUESDAY 13 NOVEMBER 2012**

#### **ORDER OF BUSINESS:**

ITEM	PRECIS	PAGE
1	PRAYER	1
2	DECLARATIONS OF INTEREST	1
3	MINUTES AND BUSINESS ARISING	1
3.1	Ordinary Council Meeting Minutes - 16 October 2012	1
3.2	Burdekin Shire Youth Council Minutes - 17th September, 2012	27
3.3	Burdekin Building Safer Communities Action Team Minutes - 10th October, 2012	31
3.4	Burdekin Shire Youth Council Minutes - 15th October, 2012	35
4	REPORTS	38
4.1	Operating Statement for period ending 30 September 2012	38
5	ENVIRONMENT & OPERATIONS	42
5.1	Request for new Fee - On-Site Sewerage Design	42
5.2	Renewal of Special Lease 44/45730 - McNeil & Anabranch Road, Jarvisfield (Lots 87, 88 & 89 on GS97, Parish of Morrill, County of Gladstone)	44
5.3	Request for Views on Surrender and Reissue of Permit to Occupy at Plantation Creek (Lot 1 on PER4083, Parish of Morrill, County of Gladstone)	46
5.4	Conversion of Special Lease to Freehold on Land described as 3 SS Heatherbell Avenue, Jerona (Lot 513 on J11223, Parish of Selkirk, County of Gladstone)	48
5.5	John Treen - Development Application to Reconfigure a Lot at 188 and 192 Burstall Road Airdmillan (Lots 2 & 3 on RP726375 Parish of Antill, County of Gladstone)	51
5.6	18 - NBN Co - Development Application for Material change of Use for Telecommunications Facility at George Road, Clare (Lot 159 on GS432 Parish of Mulgrave, County of Gladstone)	56



## **BURDEKIN SHIRE COUNCIL**

5.7	19 - NBN Co - Development Application for Material Change of Use for Telecommunications Facility at 29 Spiller Street, Brandon (Lot 3 on RP729521 Parish of Jarvisfield, County of Gladstone)	62
6	CORPORATE & COMMUNITY SERVICES	68
7	CORRESPONDENCE FOR INFORMATION	68
8	NOTICES OF MOTION	68
8.1	Appointment of Councillor McCathie as Council's Representative on 2012 Christmas Carols Committee	68
8.2	Approval to issue Freehold Lease to NBN Co Limited over Part of Ayr Water Tower - Telecommunications Facility	69
9	URGENT BUSINESS	69
10	GENERAL BUSINESS	69
11	CLOSED MEETING ITEMS	69
12	DELEGATIONS	69

- 1 PRAYER
- 2 DECLARATIONS OF INTEREST
- 3 MINUTES AND BUSINESS ARISING
- 3.1 Ordinary Council Meeting Minutes 16 October 2012

#### Recommendation

That the minutes of the Ordinary Council Meeting held on 16 October 2012 be received as a true and correct record.



## **MINUTES**

# ORDINARY COUNCIL MEETING

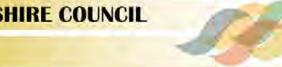
HELD AT COUNCIL ADMINISTRATION BUILDING, 145 YOUNG STREET, AYR

on 16 October 2012

**COMMENCING AT 9:00AM** 



## **BURDEKIN SHIRE COUNCIL**



#### **TUESDAY 16 OCTOBER 2012**

#### **ORDER OF BUSINESS:**

ITEM	PRECIS	PAGE
1	PRAYER	1
2	DECLARATIONS OF INTEREST	1
3	MINUTES AND BUSINESS ARISING	1
3.1	Ordinary Council Meeting Minutes - 25 September 2012	1
	Clause 10.3 - Attendance at 116th LGAQ Annual Conf.	2
3.2	Burdekin Be Active Advisory Committee Minutes - 4th April 2012	2
3.3	Burdekin Cultural Complex Board Meeting Minutes - 16 April 2012	2
3.4	Burdekin Be Active Advisory Committee Minutes - 2nd May 2012	3
3.5	Burdekin Road Safety Advisory Committee Meeting Minutes - 22 August 2012	3
3.6	Burdekin Building Safer Communities Action Team Minutes - 12th September, 2012	3
4	REPORTS	4
4.1	Capital Statement for period ending 30 September 2012	4
4.2	Operating Statement for period ending 30 September 2012	4
5	ENVIRONMENT & OPERATIONS	4
5.1	Roman Catholic Trust Corp - Material Change of Use for Extensions to an Educational Establishment - Trade Training Centre at Conley Street, Ayr (Lots 1 & 2 on RP731381, Parish of Antill, County of Gladstone)	4
5.2	Cambruzzi - Reconfiguring a lot at 9-11 Charles Street, Ayr (Lot 91 on A26511, Parish of Antill, County of Gladstone)	6
5.3	Lando - Reconfiguring a lot at 413, 525, 527 and 533 Kilrie Road and 88 Nuttall Road, Jarvisfield (Lot 1 on RP733442, Lot 2 on RP709908, Lot 6 on SP201163, Lots 3 & 4 on SP250570, Parish of Antill, County of Gladstone)	9
5.4	CJ ACT Pty Ltd - Development Application Material	11

Ordinary Council Meeting 16 October 2012



## **BURDEKIN SHIRE COUNCIL**



Change of Use for Intensive Agriculture (Commercial Cassava Plant Crops) at Ted Walsh Road, Kirknie (Lot 3 on SP127285, Parish of Leichhardt Downs, County of Salisbury)

	on SP127285, Parish of Leichhardt Downs, County of Salisbury)	
5.5	NBN Co - Development Application for Material Change of Use for Telecommunications Facility at Mill Street, Giru (Lot 66 on EP1002, Parish of Abbotsford, County of Elphinstone)	13
5.6	Maintenance of Cabins at Home Hill Caravan Park	14
6	CORPORATE & COMMUNITY SERVICES	15
6.1	Proposal to host morning tea or lunch for Queensland Premier and Minister for National Parks, Recreation, Sport and Racing and Assistant Minister for Sport and Racing	15
6.2	2012 Christmas Carols by Candlelight	16
6.3	Lease of Old National Fitness Hall, Home Hill (part of Lot 1 on H61685, Parish of Inkerman)	16
6.4	Change to Visiting Membership Fee at Library	18
6.5	Complaints Management Policy	18
6.6	Amendment of Subordinate Local Law No 4 - Council acknowledges and thanks Volunteers – Funny Dunny Park	19
7	CORRESPONDENCE FOR INFORMATION	20
8	NOTICES OF MOTION	20
8.1	Refurbishment of Bar and Amenities - Burdekin Memorial Hall, Home Hill	20
8.2	Conservation Treatment of Mirka Mora Mural - Burdekin Library, Ayr	20
9	URGENT BUSINESS	20
10	GENERAL BUSINESS	20
11	CLOSED MEETING ITEMS	21
11.1	Council accepts Quotation from Multicom Qld Pty Ltd to repair damaged Fibre Optic Link - Mackenzie Street, Ayr	21
11.2	Council confirms appointment of Burdekin Building Design Pty Ltd - Refurbishment of Bar and Amenities - Burdekin Memorial Hall	22
420	26/6/2014 A 10 10 10 10 10 10 10 10 10 10 10 10 10	550

Ordinary Council Meeting 16 October 2012

DELEGATIONS

22

12

#### **ATTENDANCE**

Councillors W.C. Lowis (Mayor), R.H. Lewis (Deputy Mayor), L.D. McCathie, L. Loizou, U.E. Liessmann, P.M. Dalle Cort and E.J. Bawden

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

Minutes Clerk - Mrs. Vicki Walker

#### 1 PRAYER

The meeting prayer was delivered by Andrew Ballin of the Baptist Church.

#### 2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor McCathie declared a conflict of interest in respect of Agenda Items 5.2, 5.3 and 5.4 as the applicants are clients of her business, McCathies Real Estate.

Councillor Lewis declared a conflict of interest in respect of Agenda Item 5.3 as the applicant is a client of his business, Burdekin Transport Services.

#### 3 MINUTES AND BUSINESS ARISING

#### 3.1 Ordinary Council Meeting Minutes - 25 September 2012

#### Recommendation

That the minutes of the Ordinary Council Meeting held on 25 September be received as a true and correct record.

#### Resolution

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

CARRIED

Ordinary Council Meeting 16 October 2012

#### **Business Arising**

#### Clause 10.3 - Attendance at 116th LGAQ Annual Conference

#### Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that Council be represented by Councillors Lowis and Lewis at the 116<sup>th</sup> LGAQ Annual Conference to be held at the Brisbane Convention and Exhibition Centre, South Brisbane from 22-25 October, 2012.

**CARRIED** 

#### 3.2 Burdekin Be Active Advisory Committee Minutes - 4th April 2012

#### Recommendation

That the minutes of the Burdekin Be Active Advisory Committee Meeting held on 4<sup>th</sup> April, 2012 be received and adopted.

#### Resolution

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

**CARRIED** 

#### 3.3 Burdekin Cultural Complex Board Meeting Minutes - 16 April 2012

#### Recommendation

That the minutes of the Burdekin Cultural Complex Board Meeting held on 16 April 2012 be received.

#### Resolution

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

**CARRIED** 

#### 3.4 Burdekin Be Active Advisory Committee Minutes - 2nd May 2012

#### Recommendation

That the minutes of the Burdekin Be Active Advisory Committee Meeting held on 2<sup>nd</sup> May, 2012 be received and adopted.

#### Resolution

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

**CARRIED** 

#### 3.5 Burdekin Road Safety Advisory Committee Meeting Minutes - 22 August 2012

#### Recommendation

That the minutes of the Burdekin Road Safety Advisory Committee Meeting held on 22 August 2012 be received and adopted.

#### Resolution

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

**CARRIED** 

## 3.6 Burdekin Building Safer Communities Action Team Minutes - 12th September, 2012

#### Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 12<sup>th</sup> September, 2012 be received and adopted.

#### Resolution

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

**CARRIED** 

#### 4 REPORTS

#### 4.1 Capital Statement for period ending 30 September 2012

#### Recommendation

That the Capital Statement for period ending 30 September 2012 be received.

#### Resolution

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

CARRIED

#### 4.2 Operating Statement for period ending 30 September 2012

#### Recommendation

That the Operating Statement for the period ending 30 September 2012 be received.

This report was held over until the next Ordinary Meeting of Council. A new report is to be prepared for consideration.

#### 5 ENVIRONMENT & OPERATIONS

5.1 Roman Catholic Trust Corp - Material Change of Use for Extensions to an Educational Establishment - Trade Training Centre at Conley Street, Ayr (Lots 1 & 2 on RP731381, Parish of Antill, County of Gladstone)

#### **Executive Summary**

An application has been received from Duggan & Hede Pty Ltd on behalf their client The Roman Catholic Trust Corporation for the Diocese of Townsville, seeking approval for a Material Change of Use for Extensions to an Educational Establishment - Trade Training Centre at 10-12, 14-16 & 26-28 Conley Street & 35-51 Gibson Street, Ayr (Lots 1 & 2 on RP731381, Lot 6 on RP710502, Lots 1,2,3,4 & 8 on RP702350, Lots 49 & 52 on RP702334, Lots 3 & 4 on RP712249, Lot 2 on RP716402 & Lot 2 on RP716986, Parish of Antill, County of Gladstone). A Development Application (Impact 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 Extensions to an Educational Establishment - Trade Training Centre at 10-12, 14-16 & 26-28 Conley Street & 35-51 Gibson Street, Ayr (Lots 1 & 2 on RP731381, Lot 6 on RP710502, Lots 1,2,3,4 & 8 on RP702350, Lots 49 & 52 on RP702334, Lots 3 & 4 on RP712249, Lot 2

on RP716402 & Lot 2 on RP716986, 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 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**

- 4.1 The proposed new concrete driveway proposed off Conley Street must be constructed as a 6metre wide industrial crossover (150mm thick, 32 mPa concrete, F72 mesh) from the invert of the existing kerbing and channelling to the property boundary;
- 4.2 The construction of any additional crossovers to give access to the subject land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

#### **ACCESS & PARKING**

5. To protect existing residential amenity, no on-street parking is to occur in Conley Street. All student and staff parking is to be on-site and in designated areas as demonstrated in the site plan submitted as part of the application.

#### **AMENITY - SCREEN FENCING**

6. The developer is to construct an appropriate screen fence along the entire boundary of the subject site abutting Lot 47 RP702334. The screen fence is to be 1.8m high and be constructed of a suitable material to allow appropriate buffering between the residential property and the proposed trade centre to occur. A design plan is to be submitted to Council for approval before construction of the screen fence commences.

#### **DRAINAGE**

7. The existing surface levels of the subject land within 1 metre of the eastern boundary must not to be raised without additional planning approvals being sort. This is

considered necessary to minimise any detrimental changes to existing overland flow paths.

#### **ENVIRONMENT AND HEALTH**

- 8.1 The proposed training centre must not be operated between 7pm and 7am Monday to Friday or during Saturdays, Sundays or Public holidays.
- 8.2 The training centre must be operated in a manner to ensure that noise generating equipment does not cause environmental nuisance or environmental harm.
- 8.3 Upon receipt of a complaint regarding the emission of noise from the operation of the training centre, the occupier of the centre must take any actions necessary to resolve the complaint until such time as the complaint is resolved.

#### Resolution

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

**CARRIED** 

## 5.2 Cambruzzi - Reconfiguring a lot at 9-11 Charles Street, Ayr (Lot 91 on A26511, Parish of Antill, County of Gladstone)

Councillor McCathie left the meeting declaring a conflict of interest in respect of Agenda Items 5.2, 5.3 and 5.4 as the applicants are clients of her business, McCathies Real Estate.

#### **Executive Summary**

An application has been received from Brazier Motti on behalf of their client Mario Cambruzzi seeking approval for Reconfiguring a Lot (subdivision) at 9-11 Charles Street, Ayr (Lot 91 on A26511, 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 9-11 Charles Street, Ayr (Lot 91 on A26511, 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.

Ordinary Council Meeting 16 October 2012

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 55953/001B;
    - (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. 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.

#### **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.

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

The land is zoned 'Residential' with the proposal triggering a 'code assessable' development application for reconfiguring a lot (subdivision). The application has been assessed against

Ordinary Council Meeting 16 October 2012

the "Reconfiguring a Lot" Code under the provisions of the Burdekin Shire Council's IPA Planning Scheme.

#### The Application:

It is the applicant's intent to create proposed Lot 1 to contain the existing duplex while proposed Lot 2 will contain the existing dwelling house and shed. Proposed Lot 1 will have a minimum area of 435m2 with a 28.22m frontage to Cameron Street and a 15.41m frontage to Charles Street. Although Proposed Lot 1 does not meet the minimum area requirement of 500m2 under the provisions of Council's current planning scheme, it is considered acceptable due to the following circumstances. The proposed lot has an existing duplex erected on the land and no change to existing land uses will be apparent. All structures have been in existence for a long period of time and are serviced by acceptable levels of infrastructure. Given this situation, any further applications to create lots below the minimum area should be minimised as they would have to replicate this applications circumstance.

Proposed Lot 2 will have a minimum area of 700m2 and a frontage of 24.83m to Charles Street. This proposed lot meets the minimum area requirements with land uses remaining unchanged. Site coverage and separation distances between structures and proposed new boundaries are considered acceptable and in accordance with Building Code requirements.

#### Site Description/Surrounding Land Uses:

The subject site is described as Lot 91 on A26511 and comprises a total area of 1135m2. The site has approximately 40.2 metres frontage to Charles Street and 28.2 metres frontage to Cameron Street. The site contains an existing dwelling house, shed and 2 unit duplex. The site is surrounded by predominately medium density residential land uses with a Bowling Club and associated greens in close proximity.

#### 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 Charges Schedule (RICS).

The regulated infrastructure charge levied for each trunk infrastructure network is required to be calculated in accordance with the following formula-

$$RIC = [(D - DC - DO) \times CU]$$

where-

- 1. RIC is a regulated infrastructure charge (\$) for the relevant trunk infrastructure network.
- 2. D is the demand for the relevant trunk infrastructure network specified in number of charge units and calculated in accordance with Section 6 of the Burdekin Priority Infrastructure Plan Regulated Infrastructure Charges Schedule (RICS).
- 3. DC is the demand credit for the relevant trunk infrastructure network specified in number of charge units and calculated in accordance with Section 7 of the RICS.

- 4. DO is the demand offset for the relevant trunk infrastructure network specified in number of charge units and calculated in accordance with Section 8 of the RICS.
- 5. CU is the value of a charge unit (\$/ charge unit) specified in Table 3 of the RICS.
- 6. Being a straightforward one-into-two reconfiguration of a lot the proposed development the formula is applied as follows:

 $RIC = [(2-1-0) \times \$2,000-00]$ 

 $RIC = 2 \times $2000-00$ 

**RIC** = \$2,000-00 per network

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).

As this property has been paying water (2 charges) and sewerage (3 charges) for a long period of time, it is considered that a demand credit for both water and sewerage be applied in this instance. Therefore, no Regulated Infrastructure Charges will be applied for Water and Sewerage networks. This equates to a credit of \$2000 for water and \$2000 for sewerage. A charge of \$2000/network will be applied for Stormwater Management, Transport and Public Parks. (i.e. 3 x \$2000)

This amounts to a total trunk infrastructure charge of \$6,000-00 for the development.

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

#### Conclusion:

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions as part of the recommended approval. Given that the proposal complies with the provisions contained in Council's IPA Planning Scheme and in particular the acceptable solutions of the 'Reconfiguration of a Lot' zone code, it is recommended that Council approves the application subject to the abovementioned conditions.

#### Resolution

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

**CARRIED** 

5.3 Lando - Reconfiguring a lot at 413, 525, 527 and 533 Kilrie Road and 88 Nuttall Road, Jarvisfield (Lot 1 on RP733442, Lot 2 on RP709908, Lot 6 on SP201163, Lots 3 & 4 on SP250570, Parish of Antill, County of Gladstone)

Councillor Lewis left the meeting declaring a conflict of interest in respect of Agenda Item 5.3 as the applicant is a client of his business, Burdekin Transport Services.

-9

#### **Executive Summary**

An application has been received from Brazier Motti Pty Ltd on behalf of their client Christian Lando seeking approval for Reconfiguring a Lot (5 into 6 lots) at 413, 525, 527 and 533 Kilrie Road and 88 Nuttall Road, Jarvisfield (Lot 1 on RP733442, Lot 2 on RP709908, Lot 6 on SP201163, Lots 3 & 4 on SP250570, 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 413, 525, 527 and 533 Kilrie Road and 88 Nuttall Road, Jarvisfield (Lot 1 on RP733442, Lot 2 on RP709908, Lot 6 on SP201163, Lots 3 & 4 on SP250570, 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 \$178-80 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.

#### **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 Brazier Motti plan numbered 55934/001A-2A;
    - (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

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.

14

#### **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 & HEALTH**

6. Any future development on lots to which this development approval relates must be located a mimimum 25m from the bank of any waterway.

#### 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.
- It is noted that the existing dwelling house located on proposed lot 5 will be in the
  vicinity of existing agricultural land uses. The owner(s) of proposed lot 5 is to be
  responsible for the establishment and ongoing maintenance of any buffer required
  between any residential and agricultural land use. 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"

#### Resolution

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

#### CARRIED

Councillor Lewis returned to the meeting.

5.4 CJ ACT Pty Ltd - Development Application Material Change of Use for Intensive Agriculture (Commercial Cassava Plant Crops) at Ted Walsh Road, Kirknie (Lot 3 on SP127285, Parish of Leichhardt Downs, County of Salisbury)

#### **Executive Summary**

An application has been received from RPS on behalf of their client CJ ACT Pty Ltd, seeking approval for a Material Change of Use for Intensive Agriculture (Commercial Cassava Plant Crops) at Ted Walsh Road, Kirknie (Lot 3 on SP127285, Parish of Leichhardt Downs, County of Salisbury). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme.

**-**11

#### Recommendation

That Council approves the Development Application for a Material Change of Use for Intensive Agriculture (Commercial Cassava Plant Crops) at Ted Walsh Road, Kirknie (Lot 3 on SP127285, Parish of Leichhardt Downs, 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 There must be no development including the intensive agricultural activity within 50m of the bank of Cassidy Creek or other waterway located on the site.
- 5.2 Riparian vegetation along each side and within 25m of Cassidy Creek must be rehabilitated to protect habitat and biodiversity values of the waterway.

#### 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.
- A permit subject to Chapter 2 Part 8 of the Water Act 2000 relating to Riverine Protection, must be obtained and held for any vehicle crossing constructed over Cassidy Creek or other waterway located on the subject site.

- Native vegetation must not be cleared for the purposes of the intensive agricultural activity proposed.
- The owner of the land is required to keep the land free of pests in accordance with s77 of the Land Protection (Pest and stock route management) Act 2002

#### Resolution

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

#### CARRIED

Councillor McCathie returned to the meeting.

5.5 NBN Co - Development Application for Material Change of Use for Telecommunications Facility at Mill Street, Giru (Lot 66 on EP1002, Parish of Abbotsford, County of Elphinstone)

#### **Executive Summary**

An application has been received from Aurecon Australia Pty Ltd on behalf of their clients NBN Co, seeking approval for a Material Change of Use for a Telecommunications Facility at Mill Street, Giru (Lot 66 on EP1002, Parish of Abbotsford, County of Elphinstone). A Development Application (Impact 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 a Telecommunications Facility at Mill Street, Giru (Lot 66 on EP1002, Parish of Abbotsford, County of Elphinstone) 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.

#### 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.
- Council drainage infrastructure may exist in the vicinity. Prior to any construction contact Council's engineering section for assistance in locating drainage on site.

#### Resolution

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

**CARRIED** 

#### 5.6 Maintenance of Cabins at Home Hill Caravan Park

#### **Executive Summary**

A budget allocation was made in the Capital Works program for 2011-2012 (which was carried over for 2012/13) for upgrades to the Home Hill Caravan Park Cabins. Additional improvements for the cabins were recommended and the quotes have been received for this and are for higher than the allocated amount. The replacement roof for the Cabins was not budgeted for this financial year however work should be undertaken on the roof prior to the refurbishment of the cabins.

#### Recommendation

That Council approves the allocation of additional funds of \$23 460 for maintenance work to be undertaken at the Home Hill Caravan Park cabins.

Ordinary Council Meeting 16 October 2012

#### Resolution

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

Moved Councillor Lewis, seconded Councillor McCathie that this motion be laid on the table pending the preparation of an operating statement in relation to the Home Hill Caravan Park.

FOR: Councillors Lowis, McCathie, Liessmann, Dalle Cort, Lewis and Bawden

AGAINST: Councillor Loizou

CARRIED 6/1

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

6.1 Proposal to host morning tea or lunch for Queensland Premier and Minister for National Parks, Recreation, Sport and Racing and Assistant Minister for Sport and Racing

#### **Executive Summary**

Burdekin Race Club Inc. requested Council to host a morning tea or lunch for the Queensland Premier and the Minister for National Parks, Recreation, Sport and Racing and Assistant Minister for Sport and Racing and their respective partners prior to the 2013 Burdekin Grower Race Day to be held on Saturday, 18<sup>th</sup> May 2013.

#### Recommendation

Council hosts a morning tea for the Queensland Premier and the Minister for National Parks, Recreation, Sport and Racing and Assistant Minister for Sport and Racing and their respective partners at the Council prior to the 2013 Burdekin Grower Race Day to be held on Saturday, 18<sup>th</sup> May 2013.

#### Resolution

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

**CARRIED** 

#### 6.2 2012 Christmas Carols by Candlelight

#### **Executive Summary**

It is timely for the Council to consider supporting the annual Christmas Carols by Candlelight, which the Burdekin Church Leaders' Association this year propose to hold on 2<sup>nd</sup> December 2012 in Watson's Green, Home Hill. This event alternates between Ayr and Home Hill each year.

#### Recommendation

Council supports the conduct of meetings between Council, Churches, and the community members for planning of Christmas Carols by Candelight by the appointment of a Christmas Carols by Candelight Advisory Committee, noting that a Council representative will be part of the committee. Council approves funding up to the value of \$1500.00 to conduct the annual Christmas carols in the Park.

#### Resolution

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

**CARRIED** 

## 6.3 Lease of Old National Fitness Hall, Home Hill (part of Lot 1 on H61685, Parish of Inkerman)

#### **Executive Summary**

Council has received a request from the Rotary Club of Home Hill Inc for the temporary use of the old National Fitness Hall in Home Hill. The building was previously leased to the Burdekin Woodcraft Association and is currently vacant.

#### Recommendation

Council agrees to grant occupancy of the old National Fitness Hall, 59 Eleventh Avenue, Home Hill to the Rotary Club of Home Hill Inc under the following tenancy conditions:

#### **Tenancy Conditions:**

- 1. This agreement is between the Burdekin Shire Council (hereinafter referred to as the Trustee) and the Rotary Club of Home Hill Inc (hereinafter referred to as the Permittee).
- 2. The demised premises are the old National Fitness Hall and general surrounds located at 59 Eleventh Avenue, Home Hill on part of Lot 1 H61685, Parish of Inkerman.

20

- 3. This occupancy is granted from the period of acceptance to 31 December 2012. Occupancy may be terminated by either party giving 2 weeks prior notice.
- 4. A peppercorn rental will apply. The Permittee is responsible for payment of any utility charges provided to the demised premises such as electricity and water.
- 5. The Permittee (which term shall where hereinafter appearing include the Permittee and his officers, servants, employees, agents, contractors, invitees and other authorised by the Permittee) will indemnify and keep indemnified the Trustee against all actions, claims, suits, proceedings, demands, costs, losses, damages and expenses arising out of or in respect of any action or omission of the permittee in the use of the demised premises by the Permittee.
- 6. The Permittee shall not, under any circumstances, enter into any arrangements to dispose of, or transfer the authority to use.
- 7. The Permittee shall use the demised area for the purpose of carrying out the day to day activities of the Permittee and for no other purpose whatsoever.
- 8. On expiry of the occupancy, the Permittee shall leave the demised premises in the condition that it was first granted.
- 9. The Permittee shall not interfere, obstruct or derogate from the use of the property by the Trustees or other persons using the area on behalf of the Trustee.
- 10. The Permittee shall not make any alterations or improvements to the building. The building contains asbestos. No breaking of the surface of the walls (internal or external), ceiling, roof or other structure or fitting is allowed.
- 11. The Permittee shall not transfer, dispose of or otherwise deal with the occupancy hereby granted nor shall any part of the area be sub-let, assigned or the like without prior approval in writing of the Trustee.
- 12. The Permittee shall carry Public Liability insurance of at least \$10M to cover any claim which may arise from any incident within the area or in gaining ingress to or egress from the demised premises.
- 13. The Permittee shall not allow the accumulation of rubbish within or about the demised premises.
- 14. The Permittee shall allow the Trustee or his agents to enter the premises at all reasonable times to inspect and or carry out any work related to reconstruction or alteration to the building.
- 15. The Permittee shall not do or permit to be done anything that may cause a disturbance to be a nuisance or any annoyance to the Trustee or to neighbouring occupiers.
- 16. There is no obligation on the Trustee to provide alternative accommodation in the event that the demised premises are required by the Trustee or State.

21

- 17. The Permittee is responsible for the replacement of any light bulbs in the demised premises.
- 18. The Permittee shall not do or allow to be done in the demised premises any activity which could void any insurable risk associated with the building.

#### Resolution

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

**CARRIED** 

#### 6.4 Change to Visiting Membership Fee at Library

#### **Executive Summary**

At the request of the Manager Financial Services, the Manager Library Services has conducted a review of the current practice of charging a \$50 refundable visiting membership fee.

#### Recommendation

That Council approves the adoption of a \$25 Non-refundable Visitor Membership fee and visitors who pay the fee will be restricted to a maximum of 2 items for the normal loan period of 1 month.

#### Resolution

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

**CARRIED** 

#### 6.5 Complaints Management Policy

#### **Executive Summary**

A full review of the Burdekin Shire Council complaints management system has recently been undertaken and a complaints management policy has been drafted to comply with legislative requirements.

\_\_18

#### Recommendation

That Council adopts the attached Complaints Management Policy.

#### Resolution

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

CARRIED

## 6.6 Amendment of Subordinate Local Law No 4 - Council acknowledges and thanks Volunteers – Funny Dunny Park

#### **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 Liessmann, seconded Councillor Lewis that the recommendation be adopted.

#### **CARRIED**

Moved Councillor McCathie, seconded Councillor Liessmann that Council acknowledges the letter received from Mr. Alan Shand and Mr. Bill Lucas regarding their willingness to continue as volunteers to ensure the Funny Dunny camping area remains available to genuine users of the facility, and that council thanks them for their generosity.

#### **CARRIED**

Ordinary Council Meeting 16 October 2012

19

#### 7 CORRESPONDENCE FOR INFORMATION

#### **8 NOTICES OF MOTION**

#### 8.1 Refurbishment of Bar and Amenities - Burdekin Memorial Hall, Home Hill

#### Recommendation

That the Council confirms the action of appointing Burdekin Building Design Pty Ltd to perform professional services associated with the Project – Refurbishment of Bar and Amenities, Burdekin Memorial Hall, Home Hill which includes design development, building approval documentation, tender documentation and contract administration as a result of previous work carried out by that firm in the schematic design and preliminary estimation stages.

#### Resolution

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

It was resolved that this matter be held over and discussed in a closed meeting as it pertains to tenders.

#### 8.2 Conservation Treatment of Mirka Mora Mural - Burdekin Library, Ayr

#### Recommendation

That Council accepts the quotation from John Hook for the conservation treatment of the Mirka Mora Mural located in the Burdekin Library, Ayr on the basis of a preferred supplier.

#### Resolution

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

**CARRIED** 

#### 9 URGENT BUSINESS

#### **10 GENERAL BUSINESS**

#### 11 CLOSED MEETING ITEMS

## Council Meeting closed to Public under Section 72 of Local Government (Operations) Regulation 2010

#### Resolution

Moved Councillor Lewis, seconded Councillor McCathie that the Council meeting be closed to the public under the following sections of the Local Government (Operations) Regulation 2010:

- 72(1)(e) contracts proposed to be made by Council;
- 72(1)(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

for the purpose of discussing:

- the refurbishment of bar and amenities at Burdekin Memorial Hall;
- repairs to damaged fibre optic link on Mackenzie Street, Ayr.

**CARRIED** 

#### **Council Meeting opened to Public**

#### Resolution

Moved Councillor Dalle Cort, seconded Councillor Loizou that the Council meeting be opened to the public.

**CARRIED** 

## 11.1 Council accepts Quotation from Multicom Qld Pty Ltd to repair damaged Fibre Optic Link - Mackenzie Street, Ayr

#### Resolution

Moved Councillor McCathie, seconded Councillor Lewis that Council accepts the quotation from Multicom Qld Pty Ltd dated 12 October 2012 to repair the damaged fibre optic link on Mackenzie Street, Ayr based on the following grounds:

- Multicom were the original installers of the 3 stages of fibre optic cabling and considered most advantageous at that time;
- Repair works are considered urgent to restore voice and data capacities to the Jones Street Depot and SES Headquarters, McCathie Street, Ayr;
- No local contractors are able to do the works.

21

#### **CARRIED**

## 11.2 Council confirms appointment of Burdekin Building Design Pty Ltd - Refurbishment of Bar and Amenities - Burdekin Memorial Hall

#### Resolution

Moved Councillor Dalle Cort, seconded Councillor Loizou that the Council confirms the action of appointing Burdekin Building Design Pty Ltd to perform professional services associated with the Project – Refurbishment of Bar and Amenities, Burdekin Memorial Hall, Home Hill which includes design development, building approval documentation, tender documentation and contract administration as a result of previous work carried out by that firm in the schematic design and preliminary estimation stages.

**CARRIED** 

#### 12 DELEGATIONS

There being no further business the meeting closed at approximately 12 midday...

These minutes were confirmed by Council at the Ordinary Council Meeting held on 13 November 2012.

**MAYOR** 

26

#### 3.2 Burdekin Shire Youth Council Minutes - 17th September, 2012

#### Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 17<sup>th</sup> September, 2012 be received and adopted.

#### **Burdekin Shire Council**

#### Minutes - Burdekin Shire Youth Council Meeting held on 17th September, 2012

Held in the John Drysdale Chamber The meeting commenced at 3.30pm

#### CLAUSE 1 ATTENDANCE

Emma Trueman – Deputy Youth Mayor
Maigen Edwards – Secretary
Rachel Morton – BCHS
Daniella Cardillo – BCHS
Bonnie Johnson – Working Youth Representative, Burdekin Library

Tammy Quagliata - Burdekin Shire Council

#### Apologies for absence

Tony Vaccaro – Burdekin Shire Council Lexi Haselton – Youth Mayor Daniella Cardillo - BCHS

#### CLAUSE 2 MINUTES RECEIVED

Moved Danae Pilla, seconded Rachel Morton that the Minutes of the Burdekin Shire Youth Council Meeting held on 13<sup>th</sup> August, 2012 be received.

CARRIED

#### CLAUSE 3 CORRESPONDENCE

#### Inward Correspondence

 The Principal, Burdekin Catholic High School - Advising that Youth Council members Maigen Edwards, Kerrie-Grace Buckland, Lexi Haselton and Emma Trueman will be attending the Burdekin Crime Prevention & Community Safety conference on either 6<sup>th</sup> or 7<sup>th</sup> September, 2012.

Moved Daniella Cardillo, seconded Rachel Morton that the inward correspondence be received and the outward adopted.

CARRIED

## CLAUSE 4 UPDATE ON ART PROJECT FOR LOWER BURDEKIN HOME FOR THE AGED

Emma Trueman reported that she and Lexi Haselton had gone to the Home over the weekend to draw the mural which would later be painted by Youth Council members. The wall already had a background colour however, and it was suggested that they simply paint the mural straight onto the wall. Emma therefore advised that they have completed the first 'Under the Sea' mural.

It was noted that the Home for the Aged would like to continue with the other proposed murals, possibly next year, which would involve all Youth Council members.

## CLAUSE 5 ATTENDANCE AT 2012 CRIME PREVENTION & COMMUNITY SAFETY CONFERENCE – 6/7<sup>TH</sup> SEPTEMBER, 2012

It was noted that the following Youth Council members had attended the 2012 Crime Prevention and Community Safety Conference:

Maigen Edwards & Kerrie-Grace Buckland - Thurs 6<sup>th</sup> Sept (8.30am to 4.30pm) Lexi Haselton & Emma Trueman - Fri 7<sup>th</sup> Sept (8.30am to 4.30pm)

Maigen Edwards and Emma Trueman gave a brief overview on their attendance at the Crime Prevention Conference and noted that is was a very worthwhile and enjoyable experience.

#### CLAUSE 6 FEEDBACK FROM CUPCAKE DECORATING STALL AT BURDEKIN WATER FESTIVAL – 1<sup>ST</sup> SEPTEMBER, 2012

Tammy Quagliata advised that Yvette's Place (Coffee Shop) had donated a total of 100 cupcakes, cupcake icing and a large variety of Iollies for the Youth Council to run the cupcake decorating stall at the Water Festival. Appreciation was forwarded to Yvette on behalf of the Burdekin Shire Youth Council for her generous support.

Members provided feedback in relation to the stall, and it was noted that a total of approx. 50 cupcakes were sold with an estimated profit of \$140.00. Members noted that the stall was set up a little far away (in front of the Burdekin Theatre) from the mardi gras and would possible work better in another location. There were some concerns with regard to the \$5 charge, however it was noted that it would probably not be worthwhile if charging less. It was suggested perhaps a family deal, if 2 or 3 cupcakes purchased, it becomes cheaper.

Tammy Quagliata thanked all members involved in running the stall, and congratulated the group on their efforts. Appreciation was also forward to parents and students from the Burdekin Catholic High School who shared the stall site with Youth Council members at the event.

#### CLAUSE 7 OTHER GENERAL BUSINESS

- Further discussions were held in relation to involvement in Day for Daniel
  to be held on Friday 26<sup>th</sup> October, 2012. Emma Trueman undertook to
  follow up this matter with Burdekin Catholic High School, and also speak
  with a representative from Ayr State High School with regard to their
  involvement.
- Discussions were held in relation to increasing and promoting membership for 2013. Members agreed that they should start promoting and recruiting members this year. Various members undertook to speak with lower grades in their school over the next few weeks in relation to joining the Youth Council in 2013.
- Discussions were in relation to the 2012 Youth Council Christmas Break-up and the following suggestions were made:
  - Pool Party, Ten Pin Bowling or Dinner and Movie Night

### NEXT MEETING - 15<sup>th</sup> October, 2012

There being no further business, the meeting closed at 4:15pm

Maigen Edwards SECRETARY

#### **ACTIONS FROM MEETING**

Action	Person(s)	Status
	responsible	

#### 3.3 Burdekin Building Safer Communities Action Team Minutes - 10th October, 2012

#### Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 10<sup>th</sup> October, 2012 be received and adopted.

## Minutes of Meeting Burdekin Building Safer Communities Action Team (BSCAT) Meeting held on 10<sup>th</sup> October, 2012

Held in the Ernie Ford Board Room at Burdekin Shire Council The meeting commenced at 10.30am

ATTENDANCE

Brad Taylor Crime Prevention Officer, QPS, Townsville

Tony Vaccaro Economic & Community Development Manager, BSC
Tammy Quagliata Economic & Community Development Support Officer, BSC

Babette Doherty Victim Assist Qld
Cr. Lyndy McCathie Burdekin Shire Council
Cr Pierina Dalle Cort Ayr Chamber of Commerce

Sgt. Andrew Sherrington Burdekin PCYC

**APOLOGIES** 

Venus Zaro Burdekin Community Assoc., Burdekin Mental Health Foundation

Jason Robins Burdekin Night Alert

Jeannie Zonta Burdekin Centre for Rural Health

Cheryl Lawrence Burdekin Community Assoc., Burdekin Mental Health Foundation

Sue Collier Burdekin Centre for Rural Health

Rebecca Thompson Queensland Health

Acronyms:

Burdekin Shire Council BSC
Queensland Police Service QPS
Councillor Cr
Burdekin Community Association BCA

BSCAT Building Safer Communities Action Team

#### CONFIRMATION OF PREVIOUS MINUTES

Moved Cr. Lyndy McCathie, seconded Babette Doherty that the minutes of the BSCAT Meeting held on 12<sup>th</sup> September, 2012 be received as a true and correct record.

CARRIED

#### CORRESPONDENCE

#### Inward Correspondence

 Jennifer Fredericks, Logan City Council – Forwarding congratulations to the BSCAT Committee for hosting such an excellent crime prevention conference.

#### **Outward Correspondence**

NIL

#### MATTERS FROM PREVIOUS MINUTES

 Brad Taylor advised that he had drafted a letter which was ready to be circulated to all liquor serving establishments in the Burdekin. It was agreed that the letter be held off and sent in February 2013, following confirmation of Brad Taylor's position with Qld Police.  Tony Vaccaro reported on his attendance at the Principal's meeting in August to discuss bike safety within primary schools. It was noted that bike safety is part of the primary school curriculum however there is very little time to teach this.

Discussions were held in relation to having a fixed or portable bike safety track situated near PCYC or at another location in the Burdekin, for students to use. Andrew Sherrington advised there was a similar track situated in Mackay and undertook to investigate details in relation to the track and report back to the Committee. It was further agreed that possible funding options be sought for this project in the future.

#### **FINANCIAL REPORT**

The financial report for Burdekin BSCAT until 10<sup>th</sup> October, 2012 was tabled for the information of the Committee.

The financial report for the 2012 Burdekin Community Safety and Crime Prevention Conference was also tabled for the information of the Committee.

## FEEDBACK FROM PARTICIPANTS AT CRIME PREVENTION & COMMUNITY SAFETY CONFERENCE – $6^{TH}/7^{TH}$ SEPTEMBER, 2012

Tammy Quagliata tabled a copy of evaluation and feedback from participants who attended the 2012 Crime Prevention and Community Safety Conference, for the information of the Committee. It was noted that nearly all of the feedback was very positive with a few minor suggestions for improvement.

#### **2012 HOLIDAY MAIL OUT**

Further discussions were held in relation to the proposed 2012 holiday mail out, which is a DL size brochure designed by Qld Police including information on securing and protecting your home and motor vehicle.

It was noted that these flyers can be delivered to approx. 4700 household in both Ayr and Home Hill for approx. \$250.00. It was agreed to go ahead with this mail out in mid-November, along with a media release and photograph promoting BSCAT's initiative.

It was further suggested to investigate the costs involved in having the flyers inserted in the Advocate and/or Observer.

#### OTHER GENERAL BUSINESS

 Tony Vaccaro suggested that the group investigate the possibility of having monthly police statistics tabled at each meeting, to allow the group to assess any possible trends in (Burdekin only) crime and to be pro-active towards these issues. It was noted that this kind of information would also be very helpful when applying for funding.

It was noted that similar information was once provided regularly at the meetings in the past.

Brad Taylor undertook to put in a request with the relevant personnel at Qld Police and report back to the group on the possibility of obtaining this information.

There being no further business, the meeting closed at 11.15am

# NEXT MEETING - Wednesday 14<sup>th</sup> November, 2012

# **CURENT ACTION ITEMS**

Action	Person(s) responsible	Status
Put in a request and obtain information in relation to the possibility of obtaining police crime statistics for the Burdekin region, to be tabled at each monthly meeting.	Brad Taylor	
Arrange holiday mail out and BSCAT Media Release for mid-November and obtain costing for flyer to be inserted into local paper.	Tammy Quagliata	
Obtain information from Mackay PCYC in relation to the bike safety training track which they have installed.	Andrew Sherrington	
Arrange initial Liquor Accord Information Meeting with all local hotel establishments	Brad Taylor	On hold until February 2013

# 3.4 Burdekin Shire Youth Council Minutes - 15th October, 2012

#### Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 15<sup>th</sup> October, 2012 be received and adopted.

#### **Burdekin Shire Council**

# Minutes - Burdekin Shire Youth Council Meeting held on 15th October, 2012

Held in the John Drysdale Chamber The meeting commenced at 3.30pm

#### CLAUSE 1 ATTENDANCE

Lexi Haselton – Youth Mayor
Maigen Edwards – Secretary
Rachel Morton – BCHS
Kerrie-Grace Buckland – BCHS
Danae Pilla - BCHS
Tammy Quagliata - Burdekin Shire Council

#### Apologies for absence

Emma Trueman – Deputy Youth Mayor Daniella Cardillo – BCHS Bonnie Johnson – Working Youth Representative, Burdekin Library Tony Vaccaro – Burdekin Shire Council

#### CLAUSE 2 MINUTES RECEIVED

Moved Rachel Morton, seconded Danae Pilla that the Minutes of the Burdekin Shire Youth Council Meeting held on 17<sup>th</sup> September, 2012 be received.

CARRIED

#### CLAUSE 3 CORRESPONDENCE

#### Inward Correspondence

 Erika Hanratty, Regional Achievement & Community Awards – Thanking Youth Council for their nomination for the Qld Regional Achievement and Community – Youth Leadership Award, and advising that the nomination did not reach finalist stage this year.

Moved Rachel Morton, seconded Danae Pilla that the inward correspondence be received.

CARRIED

# CLAUSE 4 PLANS FOR 2012 DAY FOR DANIEL - FRIDAY 26TH OCTOBER, 2012

Lexi Haselton advised that she had liaised with the BCHS Principal who had agreed to plans for Day for Daniel. The school will be having a 'red dress' day for a gold coin donation as well as selling red balloons and red cupcakes at the school. Day for Daniel Merchandise will also be on sale at the school including pens, pins and wrist bands.

Tammy Quagliata also noted that Laura Sloan from Ayr State High School had been in touch with her regarding plans for Day for Daniel. Plans were yet to be confirmed, but merchandise would also be on sale at Ayr High.

#### CLAUSE 5 PLANS FOR 2012 CHRISTMAS BREAK-UP

Further discussions were held in regard to plans for the 2012 Youth Council Break-up. It was agreed to go ahead with a 'high tea' style lunch/afternoon tea at Yvette's Place followed by a movie for those who would like to attend.

A proposed date of Saturday 24<sup>th</sup> November was set, and Tammy undertook to liaise with Yvette's place in relation to this date. Depending on suitable movie times, it was agreed the event be held between midday and 2pm.

Tammy Quagliata advised that each member would be able to bring a friend along to the 'high tea' free of cost (preferably someone who may be interested in joining the 2013 Youth Council) and anyone attending the movie afterwards would be at their own expense.

Details for the Break-up will be finalised and notified at the next meeting.

#### CLAUSE 6 OTHER GENERAL BUSINESS

- Maigen Edwards advised that she had been asked about Youth Council's
  plans to hold another double movie night at Burdekin Delta Cinema's. It was
  noted that Youth Council was hopeful to host another similar Movie Night,
  which would obviously now be held in 2013.
- Tammy Quagliata thanked the Youth Council members who were able to meet at the Burdekin Home for the Aged in Ayr prior to the meeting for a photo with the Youth Council mural. It was noted that a media release and photograph will hopefully be in the paper over the coming week. Appreciation was forwarded to all members who assisted with mural designs and painting of the mural.

Mandy Oats from the Home for the Aged, had advised that she was keen to keep this an annual project with the 2013 Youth Council painting another mural at the home.

#### NEXT MEETING - 5th November, 2012

There being no further business, the meeting closed at 4:10pm

Maigen Edwards SECRETARY

#### **ACTIONS FROM MEETING**

Action	Person(s) responsible	Status
Arrange Day for Daniel at Burdekin Catholic High School	Lexi Haselton	
Finalise details for the 2012 Christmas Break-Up	Tammy Quagliata	

# 4 REPORTS

# 4.1 Operating Statement for period ending 30 September 2012

# Recommendation

That the Operating Statement for the period ending 30 September 2012 be received.



# BURDEKIN SHIRE COUNCIL OPERATING STATEMENT Period Ending 30 September 2012

Burdekin Shire Council	Note	Actual YTD	YTD Original Budget	\$ Variance Actual to Original	% Variance Actual to Original
Operating Revenue					
Rates and Utility Charges	1	34,119,177.16	35,411,098	-1,291,921	-4%
Discounts and pensioner remissions		-1,471,514.47	-3,473,083	2,001,569	-58%
User fees and charges		759,807.21	595,545	164,262	28%
Interest Received	2	200,640.38	431,600	-230,960	-54%
Operational contributions and donations		57,851.77	47,979	9,873	21%
Operational grants and subsidies	3	634,518.77	717,028	-82,509	-12%
Contract and recoverable works		714,828.57	402,500	312,329	78%
Other operating revenue	4	91,938.37	32,915	59,023	179%
Total operating revenue		35,107,247.76	34,165,581.50	941,666	3%
Operating Expenses					
Employee benefits	5	3,682,954.44	4,191,574	-508,620	-12%
Materials and services	6	5,134,493.52	3,706,710	1,427,783	39%
Depreciation and amortisation		2,097,327.24	2,097,327	0	0%
Finance Costs		135,968.32	126,950	9,019	7%
Other expenses		1,064.90	0	1,065	-
Total operating costs	- 35	11,051,808.42	10,122,561.00	929,247	9%
Surplus (deficit) from operating activities		24,055,439.34	24,043,021	12,419	0%
Capital contributions	7	115,448.61	0	115,449	
Capital grants and subsidies	8	0.00	2,655,051	-2,655,051	-100%
Other capital income (expense)	9	55,188.18	0	55,188	10.5745
Net result for period	12	24,226,076.13	26,698,071	-2,471,995	-9%

# BURDEKIN SHIRE COUNCIL OPERATING STATEMENT NOTES FOR VARIANCES TO BUDGET

#### Period Ending 30 September 2012

#### Note

#### 1 Rates and Utility Charges

Admin - Rates in advance to be journalled in as income at end of year - Approx \$560,000.

#### 2 Interest Received

Admin - Timing difference - rates not fully received.

#### 3 Operational Grants and Subsidies

**Admin - Under Budget \$269,500** - Timing difference - FAGS and apprentice grants not yet received. **Env - Under Budget \$3,000** - Grants not yet received.

**Eng - Over Budget \$118,978** - Grants for recoverable works received in advance of allocated budget. **C&C - Over Budget \$71,012** - Timing difference - PCYC and RADF Grants received in full for year.

#### 4 Other Operating Revenue

**C&C - Over Budget \$4,880** - Unbudgeted funds received for Crime Prevention Conference registrations.

**Wat - Over Budget \$38,621** - Unbudgeted monies received for Water Sales \$7,777, Insurance Recoveries \$29,822 & Refundable Deposits \$1,021.

**Waste - Over Budget \$7,123** - Unbudgeted money received for sale of Small Scale Technology Certificates for Solar Panels System at Kirknie Landfill \$3,643.

#### 5 Employee Benefits

**Admin - Under Budget \$292,734** - Main area under budget is Employee Related Costs to be adjusted at year end.

**Dev - Under Budget \$20,145** - Mainly Development Admin \$6,765, Building Inspection Shire \$6,228 & Town Planning \$9,179.

**Env - Under Budget \$102,418** - Under budget mainly Health Admin \$21,699, Animal Management Admin \$13,058, Parks Operation \$27,845 & Land Protection \$8,763.

**Sew - Under Budget \$67,350** - Under budget mainly Sewerage Operational \$27,469 & Sewerage Reticulation \$23,081.

**Wat - Under Budget \$44,636** - Mainly Water Operational \$20,726 & Water Administration \$18,028. **Waste - Under Budget \$2,258** - Mainly Waste Management Admin \$5,796.

**Eng - Over Budget \$28,174 -** Mainly Recoverable Works Other \$207,491 & Recoverable Works BSRIT \$25,587. Under budget mainly Works Supervision Section \$28,214, Works Section \$72,947 & Recoverable Works Main Roads \$35,425.

#### 6 Materials & Services

**Dev - Under Budget \$31,884** - Mainly in the areas of Town Planning \$24,232 & Private Certification \$9,495. Mainly over budget in area of Building Inspection Shire \$7,489.

**Env - Under Budget \$265,794** - Under budget mainly Vector Admin \$23,123, Parks Operation \$22,730, Cemeteries \$19,859, Caravan Parks \$39,064 & Land Protection \$94,067.

**Waste - Under Budget \$368,845 -** In the areas of Waste Collection \$132,923 & Waste Disposal \$223,879.

**Wat - Under Budget \$197,328** - Under budget mainly Water Supply \$83,336 & Water Treatment \$84,224. Over budget mainly Water Operational \$30,972.

**C&C - Over Budget \$64,834** - Mainly Community Properties \$15,650, Counter Disaster \$16,943, Public Order & Safety Other \$26,415, & Development & Tourism Other \$13,974. Under budget mainly Cultural Facilities \$25,411. Timing difference - Insurances & some donations paid in full.

**Admin - Over Budget \$357,794** - Timing differences - Insurance & Annual IT Maintenance Agreement paid for full year in July.

**Eng - Over Budget \$1,845,490** - Over budget mainly Roads Maintenance \$446,999, Recoverable Works Main Roads \$121,011, Recoverable Works Other \$1,077,318, & Recoverable Works BSRIT \$371,790. Under budget mainly Works Section \$79,496, Street Lighting \$54,289, & Plant Management \$60,470.

**Sew - Over Budget \$23,516** - Over budget mainly Sewerage Operational \$50,255. Under budget mainly Sewerage Reticulation \$19,338.

#### 7 Capital Contributions

**Eng - Over Budget \$110,199** - Contributions from developers, project contributions toward footpath works & Bartlett Road drainage.

**Env - Over Budget \$5,250** - Unbudgeted monies received from Developers for Parks Contributions.

#### 8 Capital Grants & Subsidies

C&C - Under Budget \$17,500 - Timing difference - Library Grant not yet received

Eng - Under Budget \$2,180,051 - Timing difference, grants not yet received.

Wat - Under Budget \$457,500 - Grant for Water Fluoridation not yet received.

#### 9 Other Capital Income

Eng - Over Budget \$55,188 - Proceeds from sale of equipment.

#### 5 ENVIRONMENT & OPERATIONS

### 5.1 Request for new Fee - On-Site Sewerage Design

**Document Information** 

Referring Letter No: N/A

File No: 05-03-01 & 01-05-02

Name of Applicant: N/A

Location: Planning and Development Department

Author and Title: Shane Great – Manager Planning and Development

# **Executive Summary**

This report is to request that a new fee to carry out On-Site Sewerage Design be included as an additional fee to be included in Council's Fees and Charges Schedule for 2012/2013.

#### Recommendation

It is recommended that Council adopts the following fee to be included as an additional fee in Council's Fees and Charges Schedule for 2012/2013:

Application to carry out a Site Assessment and On-Site Sewerage Design :- \$660.00 (inc GST)

#### **Background Information**

Council's Planning and Development Department would like to offer a new service as part of its operations. Plumbing Inspectors have now attained the required qualifications to enable them to design on-site sewerage systems. It is proposed to offer the service to ensure that new and existing residential dwellings and other sundry land uses requiring effluent disposal install new systems that comply with current plumbing and wastewater codes.

Due to a local provider of this service leaving the district, residents can no longer source anyone to supply a design locally. It is intended to market this new service throughout the shire. The proposed fee has been calculated using a methodology that strives to achieve full cost recovery. The fee includes a full site assessment and supply of a compliant On-Site Sewerage System design. Administration costs have also been factored into the fee.

In some cases where suitable soil tests cannot be sourced, the applicant will be responsible for the additional costs associated with supplying a soil test.

# **Link to Corporate/Operational Plan**

N/A

Consultation

N/A

**Legal Authority or Implications** 

N/A

**Policy Implications** 

N/A

**Financial and Resource Implications** 

Nil. Has the potential to increase income.

Report prepared by:

Shane Great: Manager Planning and Development

Report authorised by:

Shane Great: Manager Planning and Development

# 5.2 Renewal of Special Lease 44/45730 - McNeil & Anabranch Road, Jarvisfield (Lots 87, 88 & 89 on GS97, Parish of Morrill, County of Gladstone)

#### **Document Information**

Referring Letter No: 1202957

**File No:** 1/4/5

Name of Applicant: Department of Natural Resources and Mines

Location: McNeil & Anabranch Roads, Jarvisfield, (Lots 87, 88 & 89 on GS97,

Parish of Morrill, County of Gladstone)

**Author and Title:** S. Great - Manager Planning and Development

## **Executive Summary**

A request has been received from Department of Natural Resources and Mines, seeking Council's views in respect of the application for renewal of special lease over land described as McNeil & Anabranch Roads, Jarvisfield, (Lots 87, 88 & 89 on GS97, Parish of Morrill, County of Gladstone), in accordance with the Departments requirements.

#### Recommendation

That Council offers no objection to the request from Department of Natural Resources and Mines for the application for renewal of special lease over land described as McNeil & Anabranch Roads, Jarvisfield, (Lots 87, 88 & 89 on GS97, Parish of Morrill, County of Gladstone) provided that:

1. Any changes in use of the land are in accordance with Council's Planning Scheme.

## **Background Information**

Correspondence has been received from Department of Natural Resources and Mines, requesting Council's views on the application for the renewal of special lease over land described as McNeil & Anabranch Roads, Jarvisfield, (Lots 87, 88 & 89 on GS97, Parish of Morrill, County of Gladstone).

Council's Manager – Environment and Health, Tracy Jensen has recommended that as the land is several small allotments, and the purpose of the land is for a tramway, that Council offers no objection to the request.

#### **Link to Corporate/Operational Plan**

N/A

#### Consultation

All relative Council departments have been consulted, there was no external consultation required for this application.

# **Legal Authority or Implications**

N/A

# **Policy Implications**

N/A

# **Financial and Resource Implications**

N/A

# Report prepared by:

S Great - Manager Planning and Development

# Report authorised by:

S Great - Manager Planning and Development

#### **Attachments**



# 5.3 Request for Views on Surrender and Reissue of Permit to Occupy at Plantation Creek (Lot 1 on PER4083, Parish of Morrill, County of Gladstone)

#### **Document Information**

Referring Letter No: 1199679

**File No:** 1/4/5a

Name of Applicant: Groves & Clark Solicitors

**Location:** Plantation Creek (Lot 1 on PER4083, Parish of Morrill, County of

Gladstone)

**Author and Title:** S. Great – Manager Planning and Development

## **Executive Summary**

A request has been received from Groves & Clark on behalf of their client Pierina Pavone, seeking Council's views in respect of the application for surrender and reissue of a permit to occupy over land described as Lot 1 on PER4083, Plantation Creek (Parish of Morrill, County of Gladstone), in accordance with the Departments requirements.

#### Recommendation

That Council offers no objection to the request from Groves & Clark for the application for surrender and reissue of a permit to occupy over land described as Lot 1 on PER4083, Plantation Creek (Parish of Morrill, County of Gladstone). provided that:

1. Any changes in use of the land are in accordance with Council's Planning Scheme.

#### **Background Information**

Correspondence has been received from Groves & Clark, requesting Council's views on the application for surrender and reissue of a permit to occupy over land described as Lot 1 on PER4083, Plantation Creek (Parish of Morrill, County of Gladstone).

Council's Manager – Environment and Health, Tracy Jensen has advised that the property does not have an approved waste water treatment system and there has not been any building approvals issued. As the land is a small allotment and is to be used for domestic purposes only (i.e. creek hut), it is recommended that Council offer no objection to the surrender and reissue of a permit to occupy.

#### **Link to Corporate/Operational Plan**

N/A

#### Consultation

All relative Council departments have been consulted, there was no external consultation required for this application.

# **Legal Authority or Implications**

N/A

# **Policy Implications**

N/A

# **Financial and Resource Implications**

N/A

# Report prepared by:

S Great - Manager Planning and Development

# Report authorised by:

S Great - Manager Planning and Development

#### **Attachments**



# 5.4 Conversion of Special Lease to Freehold on Land described as 3 SS Heatherbell Avenue, Jerona (Lot 513 on J11223, Parish of Selkirk, County of Gladstone)

#### **Document Information**

Referring Letter No: 1200352

**File No:** 1/4/5

Name of Applicant: Department of Natural Resources and Mines

Location: 3 SS Heatherbell Avenue, Jerona (Lot 513 on J11223, Parish of

Selkirk, County of Gladstone)

**Author and Title:** S. Great - Manager Planning and Development

## **Executive Summary**

A request has been received from Department of Natural Resources and Mines, seeking Council's views in respect of the application for conversion to freehold of special lease over land described as 3 SS Heatherbell Avenue, Jerona (Lot 513 on J11223, Parish of Selkirk, County of Gladstone), in accordance with the Departments requirements.

#### Recommendation

That Council offers no objection to the request from Department of Natural Resources and Mines for the application for conversion to freehold of special lease over land described as 3 SS Heatherbell Avenue, Jerona (Lot 513 on J11223, Parish of Selkirk, County of Gladstone) provided that:

- 1. Any changes in use of the land are in accordance with Council's Planning Scheme; and
- 2. The applicant is advised that access to Jerona is not serviced by an all-weather road and Council cannot guarantee to provide access at all times.

## **Background Information**

Correspondence has been received from Department of Natural Resources and Mines, requesting Council's views on the application for the conversion to freehold of special lease over land described as 3 SS Heatherbell Avenue, Jerona (Lot 513 on J11223, Parish of Selkirk, County of Gladstone).

Council's Manager – Environment and Health, Tracy Jensen has recommended that as the land is a small allotment, and other adjoining allotments already have freehold title, and the land is to be used for domestic purposes only (i.e. beach hut), Council offer no objection to it being converted to freehold.

# **Link to Corporate/Operational Plan**

N/A

#### Consultation

All relative Council departments have been consulted, there was no external consultation required for this application.

# **Legal Authority or Implications**

N/A

# **Policy Implications**

N/A

# **Financial and Resource Implications**

N/A

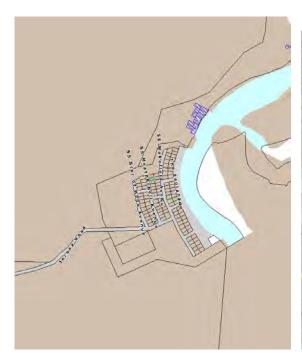
# Report prepared by:

S Great - Manager Planning and Development

# Report authorised by:

S Great - Manager Planning and Development

# **Attachments**





#### Planning Scheme Zone Map Rural Retail and Commercial - Rural Industry Sub Area Village Industrial - Rural Nature Based Recreation Sub Area - Extractive Industry Sub Area Open Space & Recreation - Rural Settlement Sub Area - Industry Investigation Sub Area Public Purpose Residential - Residential Low Density Sub Area Community Infrastructure Designation

5.5 John Treen - Development Application to Reconfigure a Lot at 188 and 192 Burstall Road Airdmillan (Lots 2 & 3 on RP726375 Parish of Antill, County of Gladstone)

#### **Document Information**

Referring Letter No: 1206674

**File No:** 2011 Sub (Sub12/0026)

Name of Applicant: John Treen

**Location:** 188 and 192 Burstall Road Airdmillan (Lots 2 & 3 on RP726375

Parish of Antill, County of Gladstone)

**Author and Title:** S Great – Manager Planning and Development

#### **Executive Summary**

An application has been received from Cleve McGuane Surveys on behalf of their client John Treen seeking approval for Reconfiguring a Lot (boundary realignment) at 188 and 192 Burstall Road Airdmillan (Lots 2 & 3 on RP726375 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 188 and 192 Burstall Road Airdmillan (Lots 2 & 3 on RP726375 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.
- 1.3 Provide evidence from a suitably qualified person that proposed lots 2 and 3 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 plan numbered 28606-1;
    - (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;

#### **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)

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

#### **Background Information**

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

The land is zoned 'Rural' with the proposal triggering a 'code assessable' development application for reconfiguring a lot (boundary realignment). The application has been assessed against the "Reconfiguring a Lot" Code under the provisions of the Burdekin Shire Council's IPA Planning Scheme.

# The Application:

It is the applicant's intent to realign the boundaries of the existing 2 lots. The realigning of the boundary to create Proposed Lot 2 will increase the area of the existing house Lot to include 2 sheds a bore and pump that were previously included on proposed Lot 3. Proposed Lot 3 will basically remain unchanged, with the proposal having no impacts on the existing land uses.

# Site Description/Surrounding Land Uses:

The subject site is relatively flat and comprises a total area of approximately 2.3ha with both Lots having frontage to Burstall Road. Proposed Lot 2 will have an area of 1701m² and is currently improved with an existing dwelling, 2 sheds and a bore and pump. Proposed Lot 3 will have an area of 1.154ha with a small mango tree orchard. The surrounding area is primarily sugar cane farm land, with some nearby village amenity of developed rural residential housing and sheds along Burstall Road.

#### Conclusion:

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions as part of the recommended approval. Given that the proposal complies with the provisions contained in Council's IPA Planning Scheme, it is recommended that Council approves the application subject to the abovementioned conditions.

#### **Link to Corporate/Operational Plan**

N/A

#### Consultation

All relative Council departments have been consulted, there was no external consultation required for this application

### **Legal Authority or Implications**

N/A

#### **Policy Implications**

N/A

#### **Financial and Resource Implications**

N/A

#### Report prepared by:

S Great – Manager Planning and Development

#### Report authorised by:

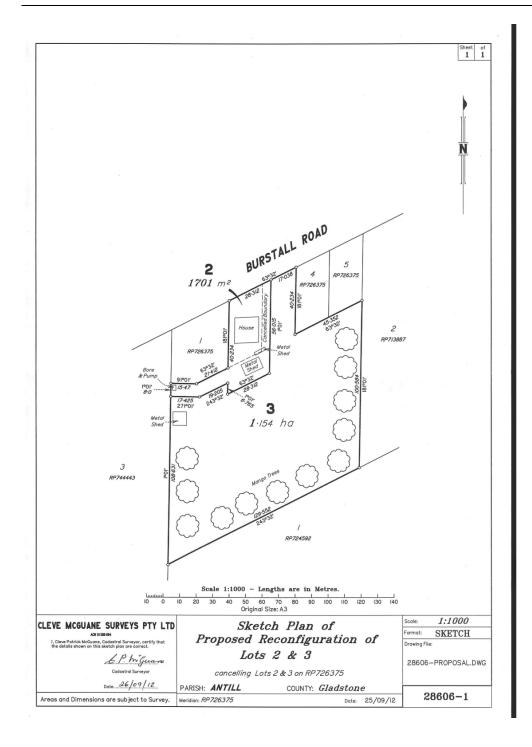
S Great – Manager Planning and Development

#### **Attachments**









5.6 18 - NBN Co - Development Application for Material change of Use for Telecommunications Facility at George Road, Clare (Lot 159 on GS432 Parish of Mulgrave, County of Gladstone)

#### **Document Information**

Referring Letter No: 1190784

**File No:** 2011 Cons (Cons12/0018

Name of Applicant: NBN Co (Aurecon)

**Location:** George Road, Clare (Lot 159 on GS432 Parish of Mulgrave, County

of Gladstone)

**Author and Title:** S Great – Manager Planning and Development

#### **Executive Summary**

An application has been received from Aurecon Australia Pty Ltd on behalf of their clients NBN Co, seeking approval for a Material Change of Use for a Telecommunications Facility at George Road, Clare (Lot 159 on GS432 Parish of Mulgrave, County of Gladstone). A Development Application (Impact 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 a Telecommunications Facility at George Road, Clare (Lot 159 on GS432 Parish of Mulgrave, County of Gladstone) subject to the following conditions:

#### **GENERAL**

- 1.1 The conditions of the development permit must be complied with prior to the commencement of the use on the subject site, 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 drawings and/or supporting documents in the application submitted.
- 1.3 Access to the facility is to be in accordance with the existing access as shown on the approved plans of development. No other access to the facility is to be used.
- 1.4 If the use is abandoned, the site must be rehabilitated to a level that achieves the following:
  - the monopole and associated infrastructure must be removed from the site;

- the site is made suitable for other uses compatible with the locality; and
- the visual amenity of the site is to be restored.

#### **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.

#### 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.

# **Background Information**

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

## The Application:

The land is currently zoned 'Rural' with the proposal triggering an 'Impact Assessable' Development Application - Material Change of Use for a Telecommunications Facility. The proposed facility will include a 30m monopole, radio transmission equipment and outdoor equipment cabinets. The application has been assessed against the relevant provisions of the Burdekin Shire Council's IPA Planning Scheme.

#### Site Description/Surrounding Land Uses:

The subject property has two road frontages being George Road and Ayr Dalbeg Road, Clare. It is currently used as a sugar cane farm. The entire site has an area of 7.3 hectares, is rectangle in shape and is considered relatively flat due to current farming practices.

The location of the proposed facility comprises a 10m x 10m leased area adjacent to the existing irrigation channel in the north eastern corner of the subject site. The proposed location will be set back 30m from the Ayr-Dalbeg Road and over 650m from George Street. The lease area will be accessed from the Ayr-Dalbeg Road over the existing irrigation channel.

The immediate surrounding land uses are mostly rural being sugar cane farms and irrigation channels. The nearest residential dwelling is 350m to the north west of the site, the township of Clare is 700m to the south west.

#### Planning Considerations:

A planning report submitted as part of the application includes information addressing important planning matters such as design specifications, site characteristics, visual amenity and public safety. In all relevant town planning related areas, the proposal has achieved acceptable compliance levels. The proposal has been assessed against the relevant provisions of the planning scheme, in particular, the Desired Environmental Outcomes (DEO's) and the Rural Zone Code. In most cases, the applicant has demonstrated how the proposal will comply with the objectives of these codes. The area is generally removed from surrounding residential uses and will increase wireless broadband capabilities within the region.

Overall, the proposed telecommunication facility is sited an appropriate distance from sensitive land uses. While it is acknowledged that the proposed facility will be an addition to the locality, telecommunications facilities are now an acceptable part of the landscape and similar to power-lines and power-poles. This new infrastructure will ensure an integral link is established to assist in providing a modern high quality fixed wireless broadband service for the wider Burdekin region and in particular, the Clare community.

#### **Comment on Submission:**

A properly made submission was received from John and Sharyn Marson of 1-3 Larkin Street, Clare. The submission states:

"I am writing to submit my objection to the Proposed NBN Telecommunications Facility on Lot 159 Clare. My main reason for objection is for Health and Safety concerns as it is too close to our family home and this concerns me."

In addressing these concerns, the applicant has provided information that addresses the issue of protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising). In summary, these reports from accredited authorities state that any radiofrequency emissions generated from the facility are well below the acceptable levels.

The tower is to be erected on a 10m x 10m leased area setback 30 metres from Ayr-Dalbeg Road. The distance between George Road, Clare and the proposed facility is approximately 650 metres. Given the physical separation, it is unlikely that the proposal will have any negative impacts on the Clare community and in particular, residents living in Larkin Street, Clare.

#### Conclusion:

The proposed NBN Co facility, comprising a 30m high monopole with attached antennas and an outdoor equipment cabinet is to be sited in a location isolated away from any incompatible land uses whilst ensuring adequate coverage is achieved.

The facility has been strategically sited and designed to minimise unacceptable visibility within the surrounding environment as much as practicable. In this regard the proposal satisfies the requirements of the *Telecommunications Act 1997*, whilst also addressing coverage deficiencies within the local area.

The proposal is also consistent with the stated objectives of the Burdekin Shire Council's IPA Planning Scheme.

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions. It is recommended that Council approve the application subject to the abovementioned conditions.

#### Consultation

Given that the Development Application was triggered as 'Impact Assessable', public notification was required. The application was advertised in the Ayr Advocate on Wednesday 19 September, 2012 and at the closing date for submissions on Thursday 11 October, 2012, one properly made submission was received in this period. All other relative Council Departments have been consulted with any comments/conditions being included in the recommendation. Due to the proximity of the proposed development to a state controlled road (Ayr-Dalbeg), the application was referred to the Department of Transport and Main Roads (DTMR) as a Concurrence agency. The DTMR have identified no real concerns with the proposal and have included standard conditions in their concurrence agency response. These will be attached to the decision notice sent to the applicant.

#### **Legal Authority or Implications**

N/A

## **Policy Implications**

N/A

#### **Financial and Resource Implications**

N/A

#### Report prepared by:

S Great – Manager Planning and Development

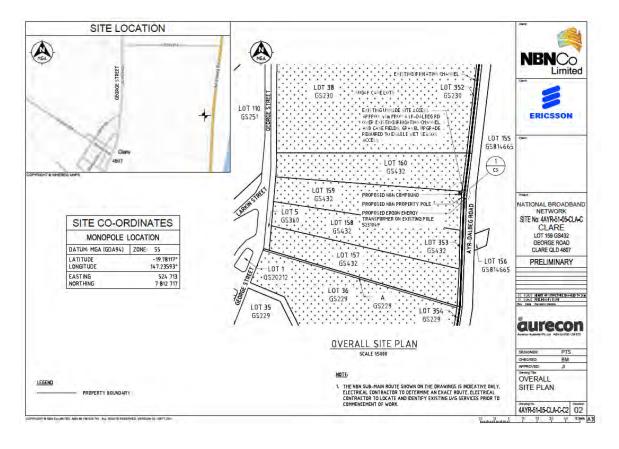
#### Report authorised by:

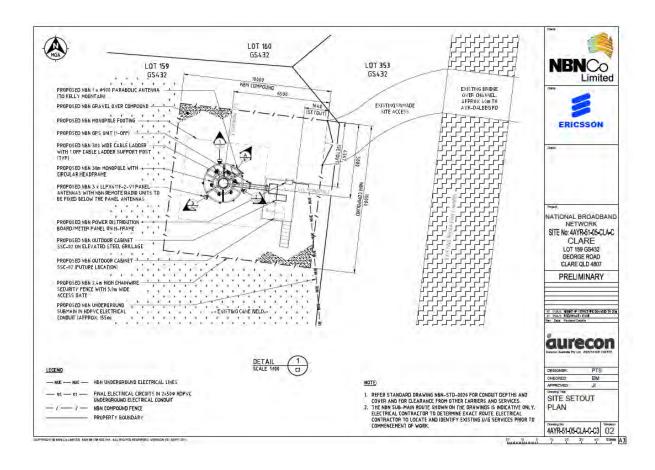
S Great – Manager Planning and Development

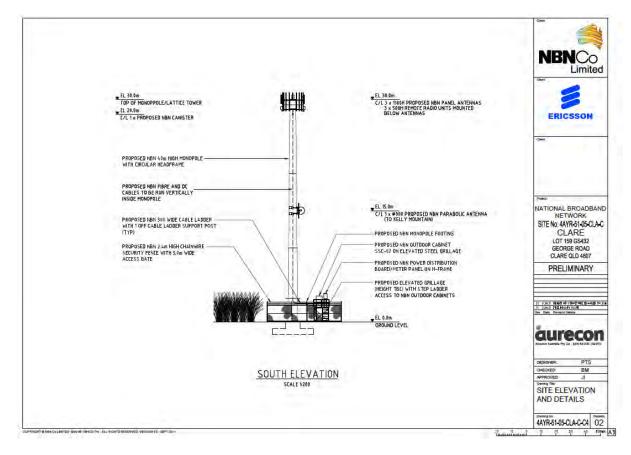
#### **Attachments**











5.7 19 - NBN Co - Development Application for Material Change of Use for Telecommunications Facility at 29 Spiller Street, Brandon (Lot 3 on RP729521 Parish of Jarvisfield, County of Gladstone)

#### **Document Information**

Referring Letter No: 1193340

**File No:** 2011 Cons (Cons12/0019)

Name of Applicant: NBN Co (Aurecon)

**Location:** 29 Spiller Street, Brandon (Lot 3 RP729521 Parish of Jarvisfield,

County of Gladstone)

**Author and Title:** S Great – Manager Planning and Development

#### **Executive Summary**

An application has been received from Aurecon Australia Pty Ltd on behalf of their clients NBN Co, seeking approval for a Material Change of Use for a Telecommunications Facility at 29 Spiller Street, Brandon (Lot 3 RP729521 Parish of Jarvisfield, County of Gladstone). A Development Application (Impact 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 a Telecommunications Facility at 29 Spiller Street, Brandon (Lot 3 RP729521 Parish of Jarvisfield, County of Gladstone) subject to the following conditions:

#### **GENERAL**

- 1.1 The conditions of the development permit must be complied with prior to the commencement of the use on the subject site, 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 drawings and/or supporting documents in the application submitted.
- 1.3 Access to the facility is to be in accordance with the existing access as shown on the approved plans of development. No other access to the facility is to be used.
- 1.4 If the use is abandoned, the site must be rehabilitated to a level that achieves the following:

- the monopole and associated infrastructure must be removed from the site;
- the site is made suitable for other uses compatible with the locality; and
- the visual amenity of the site is to be restored.

#### **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.

#### 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.

#### **Background Information**

#### The Application:

The land is currently zoned 'Residential - Low Density Sub Area" with the proposal triggering an 'Impact Assessable' Development Application - Material Change of Use for a Telecommunications Facility. The application has been assessed against the relevant provisions of the Burdekin Shire Council's IPA Planning Scheme.

#### Site Description/Surrounding Land Uses:

The subject property is located in Spiller Street, Brandon and is currently used as a steel and iron fabrication business with site improvements of a large workshop, steel stockpiles and ancillary structures. The land has an area of 2.525ha is an irregular shape and is considered relatively flat.

The location of the proposed facility comprises a 10m x 10m lease area in the north western corner of the site, setback approximately 15m from the Bruce Highway corridor. The lease area is accessed through the subject site by way of the properties existing crossover in Spiller Street.

A primary school is approximately 200m to the north west of the proposed facility with the closest residential property located approximately 165m west of the facility.

#### Planning Considerations:

A planning report submitted as part of the application includes information addressing important planning matters such as design specifications, site characteristics, visual amenity

and public safety. In all relevant town planning related areas, the proposal has achieved acceptable compliance levels. The proposal has been assessed against the relevant provisions of the planning scheme, in particular, the Desired Environmental Outcomes (DEO's) and the Residential Zone Code. In most cases, the applicant has demonstrated how the proposal will comply with the objectives of these codes. The area is generally removed from surrounding residential uses and will increase wireless broadband capabilities within the region.

Overall, the proposed telecommunication facility is sited an appropriate distance from sensitive land uses. While it is acknowledged that the proposed facility will be an addition to the locality, telecommunications facilities are now an acceptable part of the landscape and similar to power-lines and power-poles. This assumption is supported by the fact that no public concerns were raised during the public consultation period. This new infrastructure will ensure an integral link is established to assist in providing a modern high quality fixed wireless broadband service for the wider Burdekin region and in particular the Brandon community.

#### Conclusion:

The proposed NBN Co facility, comprising a 40m high monopole with attached antennas and an outdoor equipment cabinet is to be sited in a location isolated away from any incompatible land uses whilst ensuring adequate coverage is achieved.

The facility has been strategically sited and designed to minimise unacceptable visibility within the surrounding environment as much as practicable. In this regard, the proposal satisfies the requirements of the *Telecommunications Act 1997*, whilst also addressing coverage deficiencies within the local area.

The proposal is also consistent with the stated objectives of the Burdekin Shire Council's IPA Planning Scheme.

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions. It is recommended that Council approve the application subject to the abovementioned conditions.

#### **Link to Corporate/Operational Plan**

N/A

#### Consultation

Given that the Development Application was triggered as 'Impact Assessable', public notification was required. The application was advertised in the Ayr Advocate on Wednesday 19 September, 2012 and at the closing date for submissions on Thursday 11 October, 2012, no properly made submissions were received. All other relative Council Departments have been consulted with any comments/conditions being included in the recommendation.

Due to the fact that the subject site has a frontage to the Bruce Highway, the application was referred to the Department of Transport and Main Roads (DTMR) as a concurrence agency. In their concurrence agency response, the DTMR have advised that they require conditions

to be attached to any development approval for the application. These conditions will be attached to any Decision Notice issued.

# **Legal Authority or Implications**

N/A

# **Policy Implications**

N/A

# **Financial and Resource Implications**

N/A

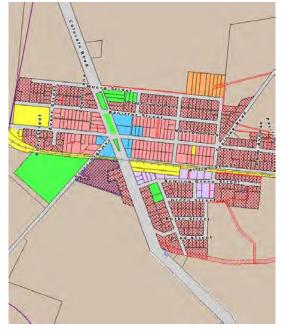
# Report prepared by:

S Great - Manager Planning and Development

# Report authorised by:

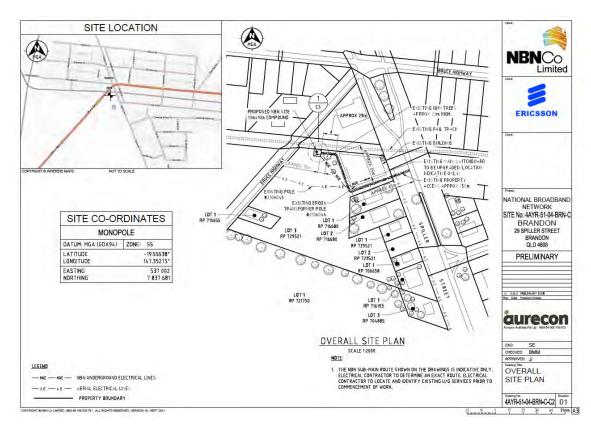
S Great - Manager Planning and Development

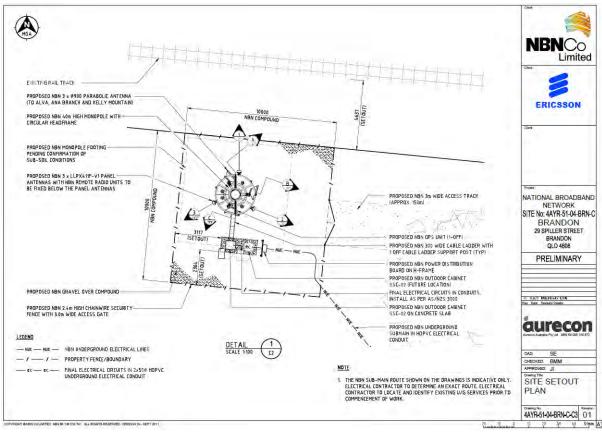
#### **Attachments**

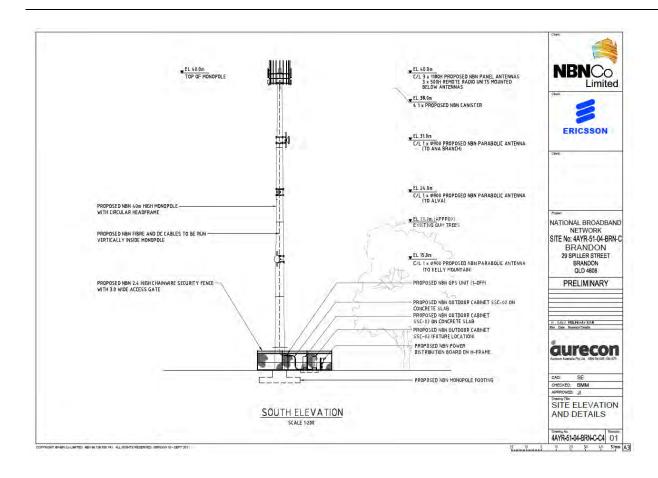












#### **6 CORPORATE & COMMUNITY SERVICES**

#### 7 CORRESPONDENCE FOR INFORMATION

**Tabled Separately** 

#### **8 NOTICES OF MOTION**

# 8.1 Appointment of Councillor McCathie as Council's Representative on 2012 Christmas Carols Committee

#### Recommendation

That Councillor McCathie be appointed as Council's representative on the 2012 Christmas Carols Committee.

# 8.2 Approval to issue Freehold Lease to NBN Co Limited over Part of Ayr Water Tower - Telecommunications Facility

#### Recommendation

That Council approves a freehold lease to NBN Co Limited for a term of 20 years over part of the Ayr Water Tower (Lot 101 on GS482) for the purposes of constructing, maintaining and operating a telecommunications facility with rental to be \$8,000 for the first year and increased by 3% or CPI on each anniversary at the discretion of the Council.

#### 9 URGENT BUSINESS

**10 GENERAL BUSINESS** 

#### 11 CLOSED MEETING ITEMS

#### 12 DELEGATIONS

9.00 am – Presentation of BHP Billiton Cannington Mine North Queensland Sports Development Bursaries to Lionard Heron and Patrick Schreiber.

10.15 am - Citizen Ceremony - Mrs. Marilyn Piojo Ketchell