



BURDEKIN SHIRE COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

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

on 08 April 2014

COMMENCING AT 9:00AM

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TUESDAY 8 APRIL 2014

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1 PRAYER

2 DECLARATIONS OF INTEREST

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 25 March 2014

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 25 March, 2014 be received as a true and correct record.



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 25 March 2014

COMMENCING AT 9:00AM



TUESDAY 25 MARCH 2014

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Ordinary Council Meeting 25 March 2014



BURDEKIN SHIRE COUNCIL



Cook Airdmillan Memorial Park

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Ordinary Council Meeting 25 March 2014

ATTENDANCE

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

Mr. K. Holt - Chief Executive Officer
Mr. D.P. Mulcahy - Director Corporate and Community Services
Mr. S. Great - Manager Planning and Development
Mrs. B. Whitworth - Manager Environment and Health
Mr. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services

Minutes Clerk: Mrs. J. Thomasson

Leave of Absence: Councillor P.M. Dalle Cort

1 PRAYER

The meeting prayer was delivered by Major Garry Johnson of the Salvation Army Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor McCathie declared a perceived conflict of interest in respect of agenda item 5.1 as she is a close personal friend of the land owner. Councillor McCathie advised of her intention to remain in the meeting during consideration of this application.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 11 March 2014

Recommendation

That the minutes of the Ordinary Council Meeting held on 11 March 2014 be received as a true and correct record.

Resolution

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

CARRIED

3.4 Business Arising - Request for Upgrading of Amenities at Jones Street Yard

Councillors considered the following motion laid on the table at the previous Ordinary Council Meeting held on 11 March, 2014.

Motion

Moved Councillor Liessmann, seconded Councillor Bawden that the temporary work yard amenities at Jones Street be brought up to a standard that meets all work related requirements by law, and take precedent over any work at the Ayr Transfer Station and the capital project works at the Ayr Caravan Park, with the allocated money from these jobs being transferred to the work yard amenities at Jones Street.

Foreshadowed Motion

Councillor McCathie foreshadowed the following motion:

“that a plan be produced and costed for the replacement of the workforce amenities at the Jones Street yard for budget discussions and Mr. Saldumbide consult with the workforce in regard to the number of employees to be accommodated.”

Voting on Motion

LOST

Resolution

Moved Councillor McCathie, seconded Councillor Loizou that a plan be produced and costed for the replacement of the workforce amenities at the Jones Street yard for budget discussions and Mr. Saldumbide consult with the workforce in regard to the number of employees to be accommodated.

CARRIED

It was resolved that necessary repairs or alterations be carried out on the existing workforce amenities at the Jones Street Yard.

3.2 Building Safer Communities Action Team Meeting - 12 February 2014

Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 12 February 2014 be received and adopted.

Resolution

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

CARRIED

3.3 Burdekin Shire Youth Council Meeting - 3 March 2014

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 3 March 2014 be received as a true and adopted.

Resolution

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

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 28 February 2014

Recommendation

That the Capital Projects Monthly Report for Period Ending 28 February 2014 be received.

Resolution

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

CARRIED

4.2 Operating Statement for Period Ending 28 February 2014

Recommendation

That the Operating Statement for Period Ending 28 February 2014 be received.

Resolution

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

CARRIED

5 ENVIRONMENT & OPERATIONS

5.1 Development Application Material Change of Use for a Local Surgery at 122 Beach Road, Ayr (Lot 2 on SP156119 Parish of Antill, County of Gladstone) - MGM Dental Pty Ltd

Councillor McCathie declared a perceived conflict of interest in respect of agenda item 5.1 as she is a close personal friend of the land owner. Councillor McCathie advised of her intention to remain in the meeting during consideration of this application.

Executive Summary

An application has been received from MGM Dental Pty Ltd seeking approval for a Material Change of Use for a Local surgery (Dentist) at 122 Beach Road, Ayr (Lot 2 on SP156119 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 a Material Change of Use for a local surgery at 122 Beach Road, Ayr (Lot 2 on SP156119 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 must be generally in accordance with the supporting material and approved plans submitted with the application.
- 1.3 The surgery is to be operated strictly in accordance with the application submitted and in particular the following hours of operation and number of employees:

Hours of operation:

Monday to Friday 8am – 6pm

Number of employees:

Receptionists/ Nurse - 1
Health Practitioner - 1

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.

DRAINAGE

- 4.1 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;
- 4.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

ACCESS AND CARPARKING

- 5.1 There is to be no marked parking across the footpath.
- 5.2 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.
- 5.3 Parking space and layout must be designed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards of the Planning Scheme.

ENVIRONMENT AND HEALTH

6. There must be no release of waste water from the washing of waste bins to stormwater, to the ground or to any roadside gutter.

Resolution

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

CARRIED

6 CORPORATE & COMMUNITY SERVICES

6.1 Advertising Spending Policy

Executive Summary

In line with financial management requirements under the Local Government Regulation 2012, Council is required to have an Advertising Spending Policy. As part of the ongoing policy review, a new advertising spending policy has been drafted to reflect changes in the legislation.

Recommendation

That Council adopts the attached *Advertising Spending Policy* to replace the existing *Advertising Policy*.

Resolution

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

CARRIED

6.2 Community Grants Policy

Executive Summary

In line with financial management requirements under the Local Government Regulation 2012, Council is required to have a Community Grants Policy. As part of the ongoing policy review a revised Community Grants Policy has been drafted to reflect changes in legislation.

Recommendation

That Council adopts the attached *Community Grants Policy* to replace the existing *Grants to Community Organisations Policy [F030]*

Resolution

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

CARRIED

6.3 Entertainment and Hospitality Policy

Executive Summary

In line with financial management requirements under the Local Government Regulation 2012, Council is required to have an Entertainment and Hospitality Policy. As part of the ongoing policy review, a new Entertainment and Hospitality Policy has been drafted to reflect changes in the legislation.

Recommendation

That Council adopts the attached Entertainment and Hospitality Policy to replace the existing Entertainment and Hospitality Policy [A055]

Resolution

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

CARRIED

6.4 Lone Worker Policy

Executive Summary

Council has a number of employees who, as part of their working conditions, are required to work in lone situations. Some workers are isolated, others are in one-on-one situations with potentially aggressive customers, and others are required to work on weekends or at night. There are various risks that are associated with a lone worker situation. A policy has been developed to address Council's duty of care to its workers and to reduce the risks of lone working as far as is reasonably possible and practicable.

Recommendation

That Council adopts the attached Lone Worker Policy

Resolution

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

CARRIED

6.5 Tree Policy

Executive Summary

Council have been considering options available to reduce the future costs associated with maintaining and removing trees planted on Council land and in particular, road reserves. A draft tree policy has been developed and aims at reducing ongoing maintenance and removal costs as well as addressing Council's duty of care in relation to minimising the risk to public safety.

Recommendation

That Council adopts the attached Tree Policy.

Resolution

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

CARRIED

CLOSED MEETING ITEMS

Council Meeting closed to Public under Section 275 of Local Government Regulation 2012

Resolution

Moved Councillor Loizou, seconded Councillor Lewis that the Council meeting be closed to the public under the following sections of the Local Government Regulation 2012:

275(1)(g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act;

for the purpose of discussing an appeal against a planning decision.

CARRIED

Councillor Lewis left the meeting during the closed meeting discussions.

Council Meeting opened to Public

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that the Council meeting be opened to the public.

CARRIED

Councillor Lewis returned to the meeting.

7 CORRESPONDENCE FOR INFORMATION

7.1 Request to Name Old Airdmillan School Grounds - Harry Cook Airdmillan Memorial Park

Resolution

Moved Councillor Loizou that Council seeks the views of the Lower Burdekin Historical Society in relation to the naming of the area of where the old Airdmillan State School once stood. (Refer document no. 1333291)

LAPSED / NO SECONDER

8 NOTICES OF MOTION

9 URGENT BUSINESS

10 GENERAL BUSINESS

10.1 Appeal No. 56 of 2014 - NQ Soil Supplies v Burdekin Shire Council

Resolution

Moved Councillor McCathie, seconded Councillor Loizou that in regard to Appeal no. 56 of 2014 – NQ Soil Suppliers v Burdekin Shire Council, Council's lawyer be instructed to proceed with the following:

- A without prejudice discussion or mediation process be enacted with the Appellant to clarify Council's concerns and request the Appellant provide expert evidence on the stormwater and erosion issues that is missing from the common material to date, upfront.
- In the event the evidence is provided and on assessment confirms the issues are not sustainable or can be reasonable conditioned, it is further recommended that a process be commenced to resolve the Appeal in so far as Council is concerned with a limited approval (maximum 25 000t per annum), subject to conditions.

CARRIED

10.2 Negotiations with Landowners - Upgrading Burstall, Road

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that Council agrees to commence negotiations with the land owner on Burstall Road regarding a proposal to resume an area of land for road improvements at the intersection of Schrank Road adjacent to Lot 16 SP205549.

CARRIED

10.3 Council Adopts Reserve Prices for Land to be Sold at Auction

Resolution

Moved Councillor Liessmann, seconded Councillor Lewis that in relation to the proposed auction of land for recovery of outstanding rates on 5 April 2014, Council adopts the reserve prices as recommended for the following properties:

Property Numbers 750, 2763

CARRIED

11 CLOSED MEETING ITEMS

Refer above.

12 DELEGATIONS

The Mayor, Councillor Lowis acknowledged that it was Chief Executive Officer, Mr. Holt's last week of employment with Council. Councillor Lowis thanked Mr. Holt for his contribution to Council and on behalf of the Council extended best wishes on his retirement and future endeavours.

There being no further business the meeting closed at 1:07pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 8 April 2014.

MAYOR

3.2 Audit Committee Meeting Minutes - 12 March 2014

Recommendation

That the minutes of the Audit Committee Meeting held on 12 March 2014 be received as a true and correct record.

BURDEKIN SHIRE COUNCIL

MINUTES – AUDIT COMMITTEE MEETING

Held on 12 March 2014

Commencing at 2-20 pm

1. Attendance

Mr. John Zabala – Moore Stephens (Chairman)

Councillors - Ross Lewis, Lyndy McCathie,

Officers – Ken Holt (Chief Executive Officer); Dan Mulcahy (Director of Corporate and Community Services); Kevin Byers (Manager Technical Services); Kim Olsen (Manager Financial Services)

2. Agenda

The Committee considered the following matters:

- i. New Internal Audit Report 14 February 2014.
 - ii. Audit Committee Charter.
 - iii. BSC internal plan/timetable for asset valuations, capitalisation and end of year processes.
 - iv. Queensland Audit Office focus issues.
 - v. Inventory Action Plan.
 - vi. Action List from previous meeting held on 11 December 2013.
 - vii. Date for next meeting of the committee.
-

3. Conflicts of Interest

No conflicts of interest were declared by committee members.

4. New Internal Audit Report 14 February 2014.

A summary of the new report was noted.

1. 6 issues have been closed out.
 2. 3 issues remain open with reduced risk.
 3. 1 issue remains open with the same risk.
 4. There is 1 new issue – Risk register with a low risk.
-
-

The committee formed the opinion that a 3 year internal audit plan incorporating a 12 month detailed programme would be beneficial to comply with the internal audit plan legislative requirements and to add value to the council operations.

Recommendation

That a Specification and /or Expression of Interest be prepared to enable Council to seek offers for a 3 year internal audit plan incorporating a 12 month detailed programme and be provided to the next Audit Committee meeting for consideration.

5. Audit Committee Charter

A draft Charter was considered along with examples of charter responsibilities from a non council and Hume City Council.

Minor changes were proposed.

Recommendation

That a draft Audit Committee Charter be finalised and presented to the next meeting for consideration.

6. BSC Internal Plan/Timetable for Asset Valuations, Capitalisation and End of Year Processes

Kevin Byers (Manager Technical Services) and Kim Olsen (Manager Financial Services) attended the meeting at this stage to discuss the plans and timetables with the committee.

The timetables were noted. At this stage, the external interim audit visit was proposed for 12 May and the final audit visit was proposed for 22 September. These dates were yet to be confirmed by the external auditor.

It was agreed that it would be advantageous to meet with the external auditors to discuss any matters of concern.

It was also noted that the time proposed for the draft financial statements to go to the audit committee was 8 September.

Staff have held discussions with the external auditor and it has been agreed that asset valuations of up to $\pm 5\%$ will not be applied.

Recommendations

That the audit committee endeavour to meet with the external auditors at the scheduled June 2014 meeting following their interim audit visit in May 2014 and at the final audit visit following receipt of the final management letter in September 2014.

That progress on implementation of the asset valuation and capitalisation and end of year processes be reported to the audit committee.

7. Queensland Audit Office focus issues

Issues that the Queensland Audit Office may focus on in the forthcoming external audits include:

- a. Calculation and justification of on costs;
- b. Performance based audits;
- c. Impairment (refer to the standard for indicators);
- d. AASB 13 Fair Value Measurement

8. Inventory Action Plan

An Inventory Action Plan which deals with the Stores Operations matter raised in the first Internal Audit Plan Report was tabled.

The plan was noted. It was agreed that the "cost of Stores" is to be added to the issues to be considered in the plan.

Recommendation

That a copy of the Inventory Action Plan be provided to the members of the Audit Committee and progress on the plan be reported to future committee meetings.

9. Action List from previous meeting held on 11 December 2013

The Action List from the previous meeting held on 11 December 2013 was tabled. It was noted that the following matters were to be actioned:

- 1. Make Risk Register available for next meeting for discussion.
- 2. Monitoring of Growth of Long Service Leave - Management attention should now also focus on those employees nearing 2 entitlements.
- 3. Other audits - Provide internal quality audit plan for consideration.

10. Next Meeting

The next meeting of the Audit Committee was proposed for 11 June, 2014 from 2pm to 5pm.

It was noted that the September meeting to review the draft financial statements will either be the 8 or 10 September 2014.

There being no further business the meeting closed at 4-40 pm.

J. Zabala
Chairperson

3.3 Burdekin Be Active Advisory Committee Minutes - 12 March 2014

Recommendation

That the minutes of the Burdekin Be Active Advisory Committee Meeting held on 12 March 2014 be received and adopted.

MINUTES
Burdekin Be Active Advisory Committee
Meeting held on 12th March, 2014

Held in the John Hy Peake Heritage Rooms at the Burdekin Shire Council
The meeting commenced at 3.30pm

Clause 1 Attendance

Tony Vaccaro <i>BSC</i>	Tammy Quagliata <i>BSC</i>	Charles Ford <i>BMSA</i>	Harry Miller <i>PCYC Youth Team</i>
Nicholas Bent <i>ADF – Good Sports</i>			

Apologies for Absence

Mandy Oats <i>LBHA</i>	Jody Clouten <i>BSC</i>	Lauren McKaig <i>BSC</i>	Mary-Ann Fraser <i>Qld Health</i>
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Acronyms

ADF	Australian Drug Foundation	LBHA	Lower Burdekin Home for the Aged
BSC	Burdekin Shire Council	BCA	Burdekin Community Association
BCRH	Burdekin Centre for Rural Health	TMML	Townsville Mackay Medicare Local
BNC	Burdekin Neighbourhood Centre	BMSA	Burdekin Men's Shed Association
PCYC	Police, Citizens and Youth Club	QLD	Queensland

Clause 2 Minutes of Previous Meeting

Moved Charles Ford, seconded Tony Vaccaro that the minutes of the Burdekin Be Active Advisory Committee Meeting held on 4th December, 2013 be received as a true and correct record.

CARRIED.

Clause 3 Correspondence Tabled

Inward

1. Harry Miller & Connor Boulter – Burdekin PCYC Youth Management Team – Accepted invitation to join Committee.
2. Townsville Mackay Medicare Local – Conversation about Local Healthcare Burdekin Check In, Wednesday 2nd April – Invitation and registration form.

Outward

1. Harry Miller, Connor Boulter & Jack Boulter – Burdekin PCYC Youth Management Team – Invitation to join Burdekin Be Active Committee.
 2. Burdekin Sport & Recreation Clubs – Get Started Funding – Notice that website has now been updated.
 3. Burdekin Sport & Recreation Clubs – Gambling Community Benefit Fund (\$35,000) – Round 80 now open, closing 28th February 2014.
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4. Burdekin Sport & Recreation Clubs – Building Active Communities Workshop: free training and education for sport and recreation volunteers, Thursday 20th March – Invitation and link for registration.

There were a few reports that registering for the Building Active Communities Workshop was difficult and uninviting. Sport and Recreation Qld to be advised of these difficulties.

Clause 4

General Business

Item 1 – Update on Burdekin Health Expo

It was agreed that the Health Expo would this year be incorporated with the local Qld Week Celebrations Family Fun Day to be held on Sunday 1st June, 2014. The fun day would include a 'come and try' sporting component as well as fitness and wellbeing information stalls etc.

Tammy Quagliata gave a brief update on the progress to date, noting that letters had been sent to all local sporting and recreation groups seeking their interest and involvement in the event. A follow up letter confirming the date for the event and seeking any further interest will be sent in the near future.

Item 2 – 2014 10,000 Steps Challenge

Discussions were held in relation to the 2014 10,000 Steps Challenge. It was agreed to this year target accommodation, café and restaurant employees as part of the challenge. Council would start to call expressions of interest for participation in the challenge which is normally held in the second half of the year. Dates for the 2014 challenge are yet to be confirmed.

Item 3 – 2014 Active Parks Program

Tony Vaccaro advised that Council has again applied for funding to conduct the Active Parks Program in 2014. Confirmation of funding has not yet been announced but it was noted that Council would still like to conduct some sort of program, even if funding was not successful.

Item 4 – Obstacle Course Risk Assessment – Luis Bello

It was noted the Luis Bello is not longer able to conduct an obstacle course as part of the Fitness and Wellbeing Family Fun Day to be held on 1st June. It was also noted the Luis will no longer be able to attend Burdekin Be Active Meetings due to other work commitments.

Item 5 – Information and Overview on ADF - Good Sports Program

Nick Bent gave a brief overview of his role with ADF and the Good Sports Program. He provided information in relation to a new component of the program being healthy eating/foods with sports clubs.

Next meeting is Wednesday 9th April, 2014

There being no further business, the meeting closed at 4.15pm.

ACTION ITEMS FROM MEETING
Wednesday 12th March, 2014

Action	Person(s) responsible	Status
Contact interested groups with an update re: Health & Wellbeing Expo	Lauren McKaig	
Seek Expressions of interest for 2014 10,000 Steps Challenge for accommodation, café and restaurant employees	Lauren McKaig	
Sport and recreation newspaper lift out	Tony Vaccaro / Lauren McKaig	

4 REPORTS

5 ENVIRONMENT & OPERATIONS

5.1 W and B Krause - Development Application Material Change of Use for an Accommodation Building for up to 30 persons at 29 Seventh Street, Home Hill (Lot 157 on H6166 Parish of Inkerman, County of Salisbury)

Document Information

Referring Letter No: 1310906

File No: 226 (Cons13/0018)

Name of Applicant: W and B Krause

Location: 29 Seventh Street, Home Hill (Lot 157 on H6166 Parish of Inkerman, County of Salisbury)

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

Executive Summary

An application has been received from W and B Krause seeking approval for a Material Change of Use for an Accommodation Building at 29 Seventh Street, Home Hill (Lot 157 on H6166 Parish of Inkerman, County of Salisbury). A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

Recommendation

That Council approves the Development Application for an Accommodation Building at 29 Seventh Street, Home Hill (Lot 157 on H6166 Parish of Inkerman, County of Salisbury) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 All rates and charges (including regulated infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.

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- 1.3 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting material included in the application and approved plans listed below submitted by 'Ultimate Design Solutions; except where modified by the conditions of this Development Permit and any approval issued there under.

Job No	Sheet No. and Issue	Date
UDS - 13024	1 - P3	23/04/2013
UDS - 13024	2 - P3	23/04/2013
UDS - 13024	3 - P3	23/04/2013
UDS - 13024	4 - P3	23/04/2013

- 1.4 To ensure the accommodation facility operates strictly in accordance within its intended use an onsite manager is to reside on premise at all times.

BUILDING WORK

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

NOTICE OF INTENTION TO COMMENCE THE USE

3. Prior to the commencement of the use on the site, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.

ACCESS AND CARPARKING

- 4.1 Construct a minimum 6m wide industrial crossover (150mm thick, 32 mPa concrete, F72 mesh) on the existing entry point in Ninth Avenue positioned closest to 7th Street, Home Hill. The crossover is to be constructed from the invert of the existing kerbing and channeling to the property boundary and re-profile the footpath each side of the proposed driveway to comply with the Disability Discrimination Act.
- 4.2 Provide to Council prior to the commencement of works a cross section 1:50 natural scale from the side of Ninth Avenue to the property boundary showing existing and design levels for the crossover in condition 4.1.
- 4.3 Parking space and layout must be designed in accordance with the provisions contained in the supporting material included in the plans submitted with the application by 'Ultimate Design Solutions.
- 4.4 Access to the premises, car parking and manoeuvring areas must be constructed in an all weather low glare paving, exposed aggregate concrete or similar dust suppressant material to the satisfaction of the Chief Executive Officer.
- 4.5 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

AMENITY

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

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;

DRAINAGE

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

OPERATIONAL WORKS

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

AMENITY – SCREEN FENCING

9. A 1.8m high screen fence must be provided along the adjoining property boundaries. The fence must be designed to achieve an adequate level of privacy for inhabitants and neighbours. The type and design must be submitted and approved by the Chief Executive Officer prior to construction of the screen fence.

LANDSCAPING AND SCREENING

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

TRADE WASTE

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

ENVIRONMENT AND HEALTH

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

AMENITY – NOISE

- 13.1 The use of the development must not cause an unreasonable nuisance to the surrounding area.
- 13.2 The operator of the Accommodation Facility must keep a Complaints Register on the land at all times, for the inspection of an authorised office of the Council identifying:
- The time, date and detail of any complaint made to the operator relating to the use and occupation of the Accommodation facility; and
 - Any action or response taken by the operator to rectify or reasonably deal with the complaint.

ADVICE ONLY;

- *It is advised to contact the Environment & Health Department in regards to licensing and registration in accordance with the Food Act 1981.*

-
- *The operator of the premises must hold a licence with Burdekin Shire Council for the operation of the accommodation premises under the provisions of the Local Government Act 2009 and Local laws proclaimed pursuant to the Act.*

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

Background Information

Burdekin Shire Council acting as the Assessment Manager has received a properly made Development Application for a Material Change of Use for an Accommodation Building for up to 30 people at 29 Seventh Street, Home Hill (Lot 157 on H6166 Parish of Inkerman, County of Salisbury). The land is zoned 'Retail and Commercial' under the provisions of Council's IPA Planning Scheme. The level of assessment is 'Impact Assessable'.

Site Description and Surrounding Land Uses:

The subject site is located on a regular shaped lot with minimal fall at 29 Seventh Street, Home Hill having a total site area of 1,012m². The existing two story buildings footprint is 153m². This equates to site coverage of just over 20%. Physical separation distances between the proposed accommodation building and nearby residents is in excess of thirty metres in most instances. The building is currently used as four flats each having two bedrooms in each. Land uses abutting the site include residential single detached housing and vacant land. There is a mixture of uses in the surrounding area including residential and retail/commercial towards Eighth Avenue within the street block.

The Application:

The applicant's intent is to redevelop the existing two storey building into an accommodation building to cater for up to 30 people at 29 Seventh Street, Home Hill. The properly made application includes the required forms, plans, report and other supporting material. Comprehensive plans lodged as part of the supporting material with the application illustrate site layout, floor plans and elevations. Further information was requested to satisfy the Building Code of Australia requirements with regard to toilet and shower facilities. Amended floor plans were provided to satisfy these particular requirements.

During the decision making period, the applicant requested that he respond to some of the submitters concerns. Although not part of the formal IDAS (Integrated Development Assessment System) process, Council acting as the Assessment Manager has acknowledged this information and included it as part of the application.

The applicant has advised that with regard to car-parking provisions, some dispensation should be introduced given that low car ownership statistics for backpackers and the fact the ample additional parking provision exists on Seventh Street and Ninth Avenue, car-parking provisions suggested should suffice.

A full time manager will be on site to regulate and enforce the in- house rules including a visitor register, the 'Code of Conduct' and a 'no party' policy.

The application has been assessed against the relevant codes of the Burdekin Shire Council's IPA Planning Scheme (*the scheme*) and in particular, the Retail and Commercial Zone code. Relevant outcomes in the code including: building scale design and appearance; car parking and access; lighting nuisance; infrastructure provision and protecting adjacent residential areas have all been considered with all outcomes being met. If any compliance issues arise from the proposal not being able to meet a particular outcome, conditions have been included in the recommendation that will ensure that specific outcomes are met. The proposed use of an existing residential style building should not compromise the overall outcomes sought in the code with development also being consistent with the code. The application has been assessed on individual merit and protecting existing amenity acceptable within this zone has been an important factor in arriving at a recommendation. The recommendation including reasonable and relevant conditions has been drafted to ensure that Council acting as the assessment manager can be confident in defending any appeal that may be generated by either the applicant or any submitter that forms part of this application process.

An application is to be made under Council's Subordinate Local Law No. 1.11 (Operation of Rental Accommodation) 2012 and approved prior to the business commencing operation. This is an additional approval that will facilitate in managing the operational aspects of the accommodation facility.

Comment on Submissions:

The application was advertised on the 13 February, 2014. At the closing date for submissions on 6 March 2014, 18 properly made submissions were received from the following persons. The table below details each individual's full name/s, physical address and a summary of the concerns raised.

Name	Address	Concerns raised
Trevor Keioskie	49-51 Ninth Avenue, Home Hill	<ul style="list-style-type: none"> • Not a local • Wrong area due to type of residents (retiree, family's etc)
David and Allyson Falco	56 Sixth Street, Home Hill	<p><i>Generic submission content consists of the following issues:</i></p> <ul style="list-style-type: none"> • Negative impact on amenity (cars on street, rubbish) • Need for backpacker accommodation already met. • DEO – community wellbeing compromised. • Anti-social behaviour

		<ul style="list-style-type: none"> • Security to properties • Negative impacts on valuation
Angelo and Carmela Fiamingo	55 Ninth Avenue, Home Hill	<i>Generic submission content</i>
Desmond and Paula Chapman	PO Box 444, Home Hill	<ul style="list-style-type: none"> • Backpacker accommodation needs already being met. • Work related accommodation • Detrimental to location
Evan and Lauren Chapman	58 Sixth Street, Home Hill	<ul style="list-style-type: none"> • Negative impact on amenity (cars on street, rubbish) • Need for backpacker accommodation already met. • DEO – community wellbeing compromised. • Anti-social behaviour • Security to properties • Negative impacts on valuation • No work available • Undesirable tenant
Everson Town Planning	PO Box 312 Belgian Gardens QLD 4810	<ul style="list-style-type: none"> • Defined Use • Need for development • Density and Carparking • Overall Outcomes • Development Plans • Draft Planning Scheme Zoning
Maria Fiamingo	51 Sixth Street, Home Hill	<i>Generic submission content</i>
James and Shirley McCane (reside over 1km	136 Tenth Avenue, Home Hill	Negative impact on amenity.

away)		No need
Seb Vecchio (Vito & Maria)	59 Ninth Avenue, Home Hill	<i>Generic submission content</i>
Giovanni Cerqui	17 Twelfth Street, Home Hill	<i>Generic submission content</i>
Rosalinda Codega	32 Seventh Street, Home Hill	<i>Generic submission content</i>
Venera Cerqui	53 Sixth Street, Home Hill	<i>Generic submission content</i>
Pasquale Pimpinella	45 Ninth Avenue, Home Hill	<i>Generic submission content</i>
Orazio & Enna Marano	65 Ninth Avenue, Home Hill	<i>Generic submission content</i>
Vince Medik (Betty)	57 Ninth Avenue, Home Hill	<i>Generic submission content</i>
Chris Richards	38 Eighth Street, Home Hill	<i>Generic submission content</i>
Max Musumeci	Unit 1 67-69 Ninth Avenue, Home Hill	<i>Generic submission content</i>
Andrew and Leanne Jamieson	65 Sixth Street, Home Hill	<i>Generic submission content</i>

The above table lists details of individual submitters and their individual concerns. Many of the submitters lodged the same submission with regard to content. Those with '*Generic submission content*' listed under '**concerns raised**' included identical concerns in their properly made submissions.

Defined Use: One particular submitter has argued that the Assessment Manager has not defined the proposed use correctly. The following facts and circumstances are included to justify how planning officers arrived at the decision to accept the application as properly made and correctly defined as an 'Accommodation Building'.

Burdekin Shire Council's IPA Planning Scheme (*the scheme*) has a number of definitions in Division 2 – Defined Uses and Use Classes that are similar in nature. Namely:

The *Residential Land Use Class* defines '**Accommodation Building**' as :
'*Premises used for the accommodation of persons unrelated to the proprietor, comprising more than one dwelling unit. The use includes boarding houses, hostels and workers camps including the temporary use of workers camps.*
The term does not include "Motel", "Rural Worker's Camp", the residential component of an "Educational Establishment" or "Tourist Accommodation" as defined in this Planning Scheme.'

The *Miscellaneous Use Class* defines '**Tourist Accommodation**' as:
'*Premises used for the accommodation of tourists including backpackers' lodgings and includes, dining, administration, housekeeping and maintenance facilities when carried on in conjunction with the use.'*

An important point is to acknowledge what actually constitutes a tourist. A 'Tourist' defined is:

“Tourist – a person who travels for sightseeing and pleasure. (as defined in the Heinemann Australian Dictionary)”

The Burdekin Shire is not traditionally recognised as a tourist destination for backpackers. It is a well known fact that the vast majority of backpackers that visit the Burdekin are here to work. They are not considered tourists with visiting backpacker's looking for work seeking accommodation that is basic and inexpensive.

As mentioned, one submitter has argued that the proposed development has been incorrectly defined by the applicant and that the application should have been defined as 'Tourist Accommodation'. The submitter further argues that due to this 'fatal flaw' the applicant should be made to re-apply. Burdekin Shire Council acting as the Assessment Manager refutes this claim due to the presence of ambiguity associated with the intended use in that due to the profile of the guest utilizing these facilities, the assessment manager has defined the proposed use as a 'better fit' under the definition of 'Accommodation Building'. In particular, a 'hostel' is defined as: 'a supervised house which gives accommodation at low rents'. It is considered that the proposed use of these premises fits a 'hostel' rather than a facility that 'tourists' would stay in.

Despite this difference of opinion, the level of assessment is exactly the same with either definition requiring exactly the same assessment under the provisions of the scheme. The Assessment Manager is of the opinion that the application was properly made and in particular the requirements of Section 261 of SPA have been met.

Need for Development:

Many submissions raised the issue of 'community need' for a reason to refuse the application. Claims suggest that there is sufficient backpacker accommodation being offered in the Burdekin Shire. Whilst this may or may not be the case, no evidence has been provided by any submitter to re-enforce this claim.

All businesses rely on market demand and supply to enable them to be viable. If a business is not competing in the market for a particular good or service (e.g. backpacker accommodation), the enterprise does not generally survive.

All development applications assessed in the shire are considered on individual merit with all proposals having to meet relevant scheme and local law requirements. The applicant believes that there is a demand for this style of accommodation and only intends to offer it as accommodation for workers. As stated in the response to submissions advice, the applicant has a good understanding of the industry and intends to implement a strict code of conduct to minimise any negative impacts on existing amenity. The Burdekin Shire's primary production industries will continue to prosper and diversify. With an increase in diversification of primary produce in the shire, demand for labour will also increase. It is inevitable that additional labour demands will be generated from this growth. The argument that the proposed use is not needed is not a valid ground to refuse the application. Also, the suggestion that eight (8) backpacker accommodation premises exist in Home Hill and three (3) in Ayr is false.

Density and Carparking:

The Retail and Commercial Zone Code Specific Outcome 2 (O2 – Table 3 Car Parking and Access) states that adequate car parking and safe and efficient access and manoeuvring areas are provided on the site. An acceptable solution to this outcome (S2 – Table3)

suggests that parking be in accordance with Schedule 2 – Vehicle Parking Rates & Standards. Given that S2 is only one acceptable solution to a specific outcome, Council is confident that the proposed number of on-site vehicle parks, access provisions and manoeuvring areas are more than adequate. The main reason for this is that historically guests utilising this style of accommodation facility do not own cars and demand for parking is less than in a typical accommodation building. In addition, this Retail/Commercial precinct of Home Hill has ample on-street sealed vehicle parking in the form of line-marked centre and side parking on both 7th Street and 9th Avenue, Home Hill. The applicant has indicated that if parking became a problem, cars would be parked in areas that would not impose any problems for neighbouring property owners.

Overall Outcomes:

Submissions raised concerns on the proposal not achieving compliance with specific outcomes of the Retail and Commercial Zone. Given specific assessment criteria such as site characteristics, physical location, town planning scheme zoning, and existing surrounding land uses, Council is confident that the proposed land use will be able to meet the overall outcomes of the Retail and Commercial Zone code. In support of this claim, specific compliance conditions will be included as part of the recommendation to manage/control any activities that may be detrimental to the existing amenity. To ensure that an acceptable level of amenity is maintained, conditions will also provide acceptable solutions to specific outcomes. For example, strict codes of conduct will manage any negative impacts on neighbouring properties such as unacceptable levels of emissions including noise and lighting.

Development Plans:

Burdekin Shire Council acting as the assessment manager has accepted the application as being properly made. In making this decision, it was considered that the application including site plans and supporting material was sufficient to allow assessment. Submitter concerns raised with regard to building setbacks, carparking and potential impacts on amenity have been considered and conditions will be imposed to alleviate any potential problems arising. Subordinate Local Law No. 1.11 (Operation of Rental Accommodation) 2012 will be triggered and relevant operational standards such as space/person, clothes drying space and laundry facilities will be made enforceable using this legislative requirement.

Draft Planning Scheme Zoning:

Council is currently commencing a review of its current SPA Planning Scheme. As part of this process, Council will be reviewing current and future land stocks and the need for changes to particular town planning zones. This review has not commenced and is unlikely to commence within the next 2 -3 months, however, in assessing current development applications, consideration is given to medium-long term intent of a particular area. At this stage, Council is not considering any changes to existing town planning zones in the immediate locality of this proposal in Home Hill.

Part of any scheme review requires Council to undertake public consultation. This is the mechanism used to gauge public opinion on particular historic, current and future preferred land uses. Concerns raised in submissions with regard to suggested strategic changes to particular town planning zones are not a valid ground for refusing this application.

Negative Impacts on property valuations:

Claims that property valuations may be negatively affected are unfounded. Any impacts to property valuations as a result of this development are not considered valid when assessing applications and are not considered a valid ground for refusal.

Impact on amenity (general):

Concerns have been raised by most submitters on fears that the proposed use will negatively impact on existing amenity. In assessing this application, Council's Development Assessment Team (DAT) has thoroughly considered these concerns and is confident that any negative impacts can be managed through the provision of reasonable and relevant development conditions. The combination of Local Laws and the Planning Scheme will be the mechanisms used to control any potential negative impacts.

Desired Environmental Outcome (DEO – Community well being):

The Desired Environmental Outcomes are based on ecological sustainability principles established by the SPA and are the basis for the measures for the Planning Scheme. Some of the submitters stated that this development will not enhance the attractiveness of the area and referenced DEO (d) Community Well Being. This DEO is included in the Planning Scheme to encourage a range of living and housing opportunities that provide the entire community with services in a safe, attractive and culturally rich environment. These outcomes can be achieved by offering affordable housing choices and suitable accommodation in the towns of the Shire. This proposed development will contribute to achieving this goal.

Recommendation:

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions as part of the recommended approval. These conditions have been included to ensure any possible negative impacts on amenity are minimised. Given that the proposal complies with the provisions contained in Council's Planning Scheme, 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 Home Hill Observer on Thursday the 13th February, 2014 and at the closing date for submissions on 6th March, 2014, 18 properly made submissions had been received. All other relative Council Departments have been consulted with any comments/conditions being included in the recommendation.

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

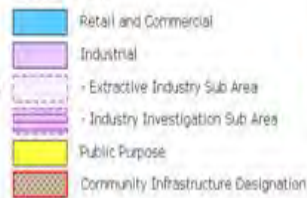
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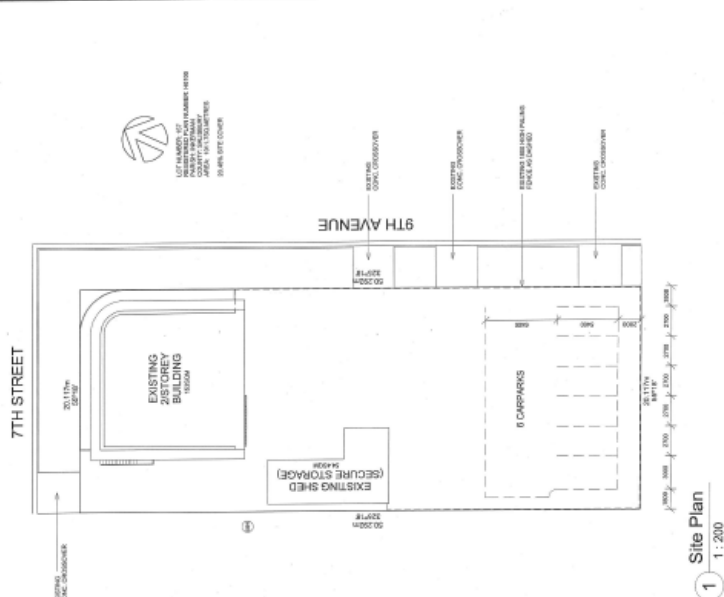


Planning Scheme



Zone Map





DATE	15/04/2014	BY	P. KRAUSE	TYPE	SITE PLAN
PROJECT	EXISTING 2-STOREY LAYOUT				
DATE	15/04/2014	BY	P. KRAUSE	TYPE	UDS-13024
PROJECT	22 7TH STREET HOME HILL				
DATE	15/04/2014	BY	P. KRAUSE	TYPE	P3
PROJECT	22 7TH STREET HOME HILL				



DATE	15/04/2014	BY	P. KRAUSE	TYPE	EXISTING FLOOR PLANS
PROJECT	EXISTING 2-STOREY LAYOUT				
DATE	15/04/2014	BY	P. KRAUSE	TYPE	UDS-13024
PROJECT	22 7TH STREET HOME HILL				
DATE	15/04/2014	BY	P. KRAUSE	TYPE	P3
PROJECT	22 7TH STREET HOME HILL				



6 CORPORATE & COMMUNITY SERVICES

7 CORRESPONDENCE FOR INFORMATION

Tabled Separately

8 NOTICES OF MOTION

9 URGENT BUSINESS

10 GENERAL BUSINESS

11 CLOSED MEETING ITEMS

12 DELEGATIONS

10:15am Australian Citizenship Ceremony – Mr. Afroz Istikar Ali, Mr. Raul Guglielmana, Mr. Varun Kumar Radhakrishna Pillai, Mr. Suman Shrestha, Miss Serene Shrestha and Mrs Nirmala Tiwari.

