



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 8 April 2014

COMMENCING AT 9:00AM



TUESDAY 8 APRIL 2014

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ATTENDANCE

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

Mr. M. Magin - 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
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

Apologies: Councillor R.H. Lewis

1 PRAYER

The meeting prayer was delivered by Reverend Greg Rankin of the Uniting 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 friend of one of the submitters. Council 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 - 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.

Resolution

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

CARRIED

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 and adopted.

Resolution

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

CARRIED

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.

Resolution

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

CARRIED

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)

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

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.
- 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.*

Resolution

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

CARRIED

Councillor McCathie voted against the motion.

6 CORPORATE & COMMUNITY SERVICES

7 CORRESPONDENCE FOR INFORMATION

8 NOTICES OF MOTION

9 URGENT BUSINESS

10 GENERAL BUSINESS

10.1 Multi-purpose Exhibition Hall/Cyclone Shelter to be completed within Budget

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that the multi-purpose exhibition hall/cyclone shelter facility to be constructed at the Ayr Show Grounds, be completed within budget.

CARRIED

Councillor Lewis and Councillor Loizou voted against the motion.

10.2 Child Proof Security Gate - Home Hill Swimming Pool

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that a child proof security gate be installed at the Home Hill Swimming Pool entrance, similar to that at the Ayr Swimming Pool.

CARRIED

10.3 Over Expenditure - Sexton's Building - Ayr Cemetery

Resolution

Moved Councillor McCathie, seconded Councillor Loizou that Council approves the over expenditure of \$21,225 on the Sexton's Building at the Ayr Cemetery, with the over expenditure funded from unspent loans not taken up in the Home Hill Skate Park project.

CARRIED

10.4 Funds allocated from current Works Implementation Programme for upgrading of Roads

Resolution

Moved Councillor McCathie, seconded Councillor Loizou that \$105,000 be allocated from the Works Implementation Programme for the reconstruction of 400m section of Burstall Road and \$40,000 be allocated for the bitumen surfacing of 150m length of currently unnamed road opposite McLain Road, Jerona area.

CARRIED

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.

There being no further business the meeting closed at 12:16 pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 22 April, 2014.

MAYOR

