



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 10 March 2015

COMMENCING AT 9:00AM



TUESDAY 10 MARCH 2015

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ATTENDANCE

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

Mr. M. Magin – Chief Executive Officer
Mr. D. Mulcahy – Manager Governance and Local Laws
Mr. S. Great – Manager Planning and Development
Mr. A. Scott – Manager Economic Development
Mrs. K. Olsen – Manager Financial and Administrative Services
Mr. W. Saldumbide – Manager Operations
Mr. K. Byers – Manager Technical Services

Leave of Absence – Councillor W.C. Lowis (Mayor)

Minutes Clerk – Mrs. C. Kirke.

1 PRAYER

The meeting prayer was delivered by Pastor Peter Holmes of the Burdekin Community Church.

2 DECLARATIONS OF INTEREST

The Deputy Mayor called for declarations of interest.

Councillor McCathie declared a material personal interest in respect of item 10.2 as the applicant is a client of her business, Landmark Harcourt.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 24 February 2015

Recommendation

That the minutes of the Ordinary Council Meeting held on 24 February 2015 be received as a true and correct record.

Resolution

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

CARRIED

3.2 Burdekin Building Safer Communities Action Team Minutes - 12th November 2014

Recommendation

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

Resolution

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

CARRIED

3.3 Burdekin Cultural Complex Board Minutes - 8 December 2014

Recommendation

That the minutes of the Burdekin Cultural Complex Board Meeting held on 8 December 2014 be received as a true and correct record.

Resolution

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

CARRIED

3.4 Burdekin Shire Youth Council Meeting Minutes - 8th December 2014

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 8th December, 2014 be received and adopted.

Resolution

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

CARRIED

3.6 Burdekin Building Safer Communities Action Team - 18th February 2015

Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 18th February, 2015 be received and adopted.

Resolution

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

CARRIED

3.7 Burdekin Shire Council Local Disaster Management Group Meeting - 20 February 2015

Recommendation

That the minutes of the Burdekin Shire Council Local Disaster Management Group Meeting held on 20 February 2015 be received as a true and correct record.

Resolution

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

CARRIED

4 REPORTS

5 GOVERNANCE & LOCAL LAWS

5.1 Adoption of Purchase of Corporate Flowers Policy

Executive Summary

A policy has been developed to set a consistent standard for the purchase of corporate flowers for Councillors and Employees of Burdekin Shire Council.

Recommendation

That Council adopts the attached *Purchase of Corporate Flowers Policy*.

Resolution

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

CARRIED

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

10 PLANNING & DEVELOPMENT

10.1 Development Application - Material Change of Use for Accommodation Building (Backpackers) at 52, 54, 56 Wilmington Street & 51 Munro St, Ayr (Lots 1-4 on SP185600, Lots 1&2 on RP709698 and Lot 2 on RP709568, Parish of Antill, County of Gladstone)

Executive Summary

An application has been received from Austin Produce seeking approval for a Material Change of Use for an Accommodation Building at 52, 54, 56 Wilmington Street and 51 Munro Street, Ayr (Lots 1-4 on SP185600, Lots 1 & 2 on RP709698 and Lot 2 on RP709568, Parish of Antill, County of Gladstone). A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

Recommendation

That Council approves the Development Application for an Accommodation Building at 52, 54, 56 Wilmington Street and 51 Munro Street, Ayr (Lots 1-4 on SP185600, Lots 1 & 2 on RP709698 and Lot 2 on RP709568, Parish of Antill, County of Gladstone) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 All rates and charges (including 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 and the 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 'Burdekin Building Design'. (except where modified by the conditions of this Development Permit and any approval issued there under).

Job No	Sheet No. and Issue	Date
BBD1400033	A00 A(iii)	15/01/2014
BBD1400033	A01 A(iii)	15/01/2014
BBD1400033	A02 A(iii)	15/01/2014
BBD1400033	A03 A(iii)	15/01/2014
BBD1400033	A04 A(iii)	15/01/2014
BBD1400033	A05 A(iii)	15/01/2014

- 1.4 To ensure the accommodation facility operates strictly in accordance within its intended use an onsite manager is to reside within the complex at all times.
- 1.5 The developer must amalgamate Lots 1-4 on SP185600, Lots 1 & 2 on RP709698 and Lot 2 on RP709568, Parish of Antill, County of Gladstone into a single parcel. The survey plan must be registered, in accordance with the *Land Title Act 1994 or relevant legislation as amended*, prior to the commencement of the use.

BUILDING WORK

- 2.1 A development permit for Building Works is to be obtained before any building works are carried out on the premise.
- 2.2 Provide evidence that the existing four 1A Dwelling Units have had a change of classification approval granted prior to the use being carried out.

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) at the existing entry point in Munro Street. 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 AS1428 - Design for access and mobility
- 4.2 Provide to Council prior to the commencement of works a cross section 1:50 natural scale from the side of Munro Street 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 'Burdekin Building Design'.
- 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 - LIGHTING

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) a certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;

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 use 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 activities subject to this development approval must be conducted in a manner to ensure that no noise deemed unreasonable by an authorised person and caused by the activity can be detected beyond the boundary of the site to which this development permit relates.

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 2006.
- 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.
- It is advised that if at any time 52, 54 Wilmington Street or 51 Munro Street are to be operated or sold separately that a new development application or change to development application will be required.
- The activity must be operated in accordance with Council's Waste Management Policy and the Environmental Protection (waste management) regulation 2000 to meet capacity for additional maximum accommodation capacity.

Resolution

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

CARRIED

10.2 Development Application for Material Change of Use for Sport, Recreation and Entertainment (Amusement Centre with Cafe) for Macarema Pty Ltd at 40 Queen Street, Ayr (Lot 1 on RP702339 Parish of Antill, County of Gladstone)

Councillor McCathie declared a material personal interest in respect of item 10.2 as the applicant is a client of her business, Landmark Harcourts and left the meeting during discussions on this matter.

Executive Summary

An application has been received from Macarema Pty Ltd, seeking approval for a Sport, Recreation and Entertainment Centre (Amusement Centre with Cafe) at 40 Queen Street, Ayr (Lot 1 on RP702339, 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 a Sport, Recreation and Entertainment Centre (Amusement Centre) at 40 Queen Street, Ayr (Lot 11 on RP847438, Parish of Antill, County of Gladstone) subject to the following conditions:

GENERAL

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

1.2 All rates and charges (including 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 with the application; except where modified by the conditions of this Development Permit and any approval issued there under.

	Title	Plan No
Tony Ferraris – Building Design	Proposed site & floor plan, access ramp (Dimensions & Levels)	TFBD-14051, A02, P2

1.4 The Amusement Centre is to be operated strictly in accordance with the application submitted and in particular the following hours of operation, centre occupants:

Hours of operation:

Monday – Friday 9:00am – 5:00pm

Saturday & Sunday 9:00am – 4.00pm

Centre Occupants: Maximum of 50

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.

AMENITY

4. Any night and outdoor lighting must be designed, conducted and operated in accordance with 'AS 4282 – Control of the obtrusive effects of outdoor lighting'.

PUBLIC UTILITY SERVICES

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

ACCESS AND CARPARKING

- 6.1 Any construction or modification of any crossovers to give access to the development is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.
- 6.2 Parking shall be provided generally in accordance with the approved plan submitted with the application.
- 6.3 Parking space and layout must be designed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards of the Planning Scheme.

DRAINAGE

- 7.1 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.
- 7.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

SCREEN FENCING

8. A 1.8m high screen fence must be provided along the adjoining property boundary between 40 Queen Street and 39 Macmillan Street, Ayr. The fence must be designed to achieve an adequate level of privacy for customers and neighbours. The type and design must be submitted and approved by the Chief Executive Officer prior to construction of the screen fence.

ENVIRONMENTAL HEALTH

- 9.1 Environmental nuisance must not be caused at any time, as a result of the emission of noise, movement of vehicles or ancillary activities at the site to which this approval relates.
- 9.2 An enclosed area of suitable size shall be provided to store the number of bins required to service this site. The area shall be of adequate size for the storage of all bins and have a floor which is raised and imperviously paved.
- 9.3 There must be no release of waste water from the washing of waste bins to stormwater, to the ground or to any roadside gutter.

AMENITY

10. The operator of the Amusement Centre must keep a Complaints Register on the site at all times, for the inspection of an authorised officer of the Council identifying:
 - The time, date and detail of any complaint made to the operator relating to the use of the Amusement Centre; 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.*
- *A Trade Waste permit may be required. If required, a Trade Waste Application for 'Permit to Discharge to the Sewer' is to be submitted to Council prior to the proposed development becoming operational.*

Resolution

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

CARRIED

Councillor McCathie returned to the meeting.

11 COMMUNITY DEVELOPMENT

11.1 Memorandum of Understanding between Council and Queensland Police Citizens Youth Welfare Association

Executive Summary

An existing memorandum of understanding outlining the responsibilities of Council and PCYC in respect to arrangements in regards to the ongoing management of the multi-tenant service centre has been reviewed.

Recommendation

Council agrees to renew an existing memorandum of understanding with the PCYC and Council be responsible for the following annual costs for the Multi Tenant Service Centre for the term of the current lease:

- (a) Maintenance of fire alarm system for the Multi Tenant Service Centre
- (b) Monthly maintenance of the Multi Tenant Centre a/c systems
- (c) All other ongoing maintenance and repairs not specified will be the responsibly of the PCYC

Council agrees to pass on funding provided by the Dept of Communities to the PCYC for the management of the Burdekin Multi Tenant Service Centre.

Resolution

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

CARRIED

11.2 Renewal of Lease - Home Hill Railway Station Building (Tourist Information Centre)

Council's lease over the Home Hill Railway Station (Tourist Information Centre) expires on 31 May 2015.

Recommendation

That Council approves the renewal of its lease arrangement with Queensland Rail over the Home Hill station building and platform area in Railway Avenue, Home Hill (Lease D in Lot 19 on SP117194 County of Salisbury, Parish of Inkerman) for a term of ten years subject to the terms and conditions of the current lease.

Resolution

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

CARRIED

12 ECONOMIC DEVELOPMENT

12.1 Formation of Community Hub Advisory Group

Executive Summary

On Monday 16th February 2015, the Burdekin Cultural Complex Board Inc, at a special meeting, members of the BCCB voted on a motion to dissolve the Burdekin Cultural Complex Board Inc. and hand over management of the complex to Burdekin Shire Council. An amendment to the motion was also carried that an advisory committee be formed, consisting of Friends of the Burdekin theatre members, Burdekin Memorial Hall Committee members and Council members to meet a minimum of four times a year and to present recommendations to Council.

Consideration should be given to the advantages and disadvantages of endorsing the formation of a committee and what role a committee would play in the ongoing management of the Theatre and Memorial Hall. Traditionally, committees vote on motions and make decisions.

In line with Council's decision to support a Community Hub, a more appropriate solution would be to endorse the formation of a Community Hub Advisory Group which would include representatives from all relevant parties in accordance with the resolution from the BCCB.

A balance between the transparent provision of services and the efficient operation of Council activities must also be considered.

Recommendation

That Council endorse the formation of a Community Hub Advisory Group instead of a committee and provide a charter for this group.

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that the recommendation be adopted, noting the name change from the Community Hub Advisory Group to Cultural Complex Advisory Group.

CARRIED

3 MINUTES AND BUSINESS ARISING

3.5 Burdekin Cultural Complex Board Minutes - 16 February 2015

Recommendation

That the minutes of the Burdekin Cultural Complex Board Meeting held on 16 February 2015 be received as a true and correct record.

Resolution

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

CARRIED

13 GENERAL BUSINESS

14 CORRESPONDENCE FOR INFORMATION

15 NOTICES OF MOTION

16 URGENT BUSINESS

17 CLOSED MEETING ITEMS

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

Resolution

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

275(1)(c) the Council's budget;

for the purpose of discussing:

- 1) Rating policies

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

18 DELEGATIONS

10.30am Mr. David Sartori from the Water Board to address Council.

There being no further business the meeting closed at 12.48pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 24 March, 2015.

MAYOR

