



BURDEKIN SHIRE COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

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

on 08 March 2016

COMMENCING AT 9:00AM

At this meeting contributions made by members of the public may be recorded by way of audio recording which will be used for the purpose of developing minutes of the meeting and decision making of Council. Burdekin Shire Council is bound by the Information Privacy Act 2009 to protect the privacy of personal information.

Under Local Law 1 Section 35(3) a person must not make an audio or video recording of a local government meeting, a standing committee meeting, a special committee meeting or an advisory committee meeting unless the chairperson at the meeting gives consent in writing to the recording of the meeting.

Further information may be found on council's website at www.burdekin.qld.gov.au



TUESDAY 8 MARCH 2016

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1 PRAYER

2 DECLARATIONS OF INTEREST

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 23 February 2016

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 23 February 2016 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 23 February 2016

COMMENCING AT 9:00AM



TUESDAY 23 FEBRUARY 2016

ORDER OF BUSINESS:

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Ordinary Council Meeting 23 February 2016



BURDEKIN SHIRE COUNCIL



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ATTENDANCE

Councillors W.C. Lewis (Mayor), 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. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services

Minutes Clerk – Mrs. Anne-Maree Dale

1 PRAYER

The meeting prayer was delivered by Rev. Dway Goon Chew of the All Saints Anglican Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 9 February 2016

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 9 February 2016 be received as a true and correct record.

Resolution

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

CARRIED

3.1.1 Business Arising - Fees and Charges - Approved Foster Carers

Councillors considered the following motion 13.1 laid on the table at the previous Ordinary Council Meeting held on 9 February 2016.

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that Council waive the fee to approved foster carers for approvals to keep animals under the local law, provided that the animal shall not be kept for a period exceeding two months.

CARRIED

3.2 Minutes Approval Audit Committee Meeting - 9 September 2015

Recommendation

That the minutes of the Audit Committee Meeting held on 9 September 2015 be received as a true and correct record.

Resolution

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

CARRIED

3.3 Burdekin Shire Youth Council Meeting Minutes - 12 October 2015

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 12 October, 2015 be received and adopted.

Resolution

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

CARRIED

3.4 Meeting Approval Audit Committee Meeting - 13 October 2015

Recommendation

That the minutes of the Audit Committee Meeting held on 13 October 2015 be received as a true and correct record.

Resolution

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

CARRIED

3.5 Burdekin Shire Youth Council Meeting Minutes - 9 November 2015

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 9 November, 2015 be received and adopted.

Resolution

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

CARRIED

3.6 Burdekin Shire Youth Council Meeting Minutes - 30 November 2015

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 30 November 2015 be received and adopted.

Resolution

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

CARRIED

3.7 Minutes Approval - Audit Committee Meeting - 15 December 2015

Recommendation

That the minutes of the Audit Committee Meeting held on 15 December 2015 be received as a true and correct record.

Resolution

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

CARRIED

4 REPORTS

4.1 Operating Statement for Period Ending 31 January 2016

Recommendation

That the Operating Statement for Period Ending 31 January 2016 be received.

Resolution

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

CARRIED

4.2 Capital Projects Monthly Report for Period Ending 31 January 2016

Recommendation

That the Capital Projects Monthly Report for Period Ending 31 January 2016 be received.

Resolution

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

CARRIED

4.3 Operational Plan Report - End of Second Quarter - Comments

Executive Summary

The end of second quarter comments for the 2015/2016 Operational Plan have been collated and are now presented to Council.

Recommendation

That Council receives the attached end of second quarter comments for the 2015/2016 Operational Plan

Resolution

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

CARRIED

5 GOVERNANCE & LOCAL LAWS

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

10 PLANNING & DEVELOPMENT

11 COMMUNITY DEVELOPMENT

11.1 Community Grants and Sponsorships

Executive Summary

In the past, requests for sponsorships and funding applications were considered on an individual merit based system. The attached proposed guidelines and application form for Community Grants will bring more formalised structure and accountability to the approval process.

Recommendation

Council approves the attached Community Grants Guidelines and Application Form.

Resolution

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

CARRIED

12 ECONOMIC DEVELOPMENT

12.1 RADF Funding - December 2015 Round

Executive Summary

On 3 February 2016, RADF Advisory Group met to consider applications received in the latest round and to review nominations for community representation on the RADF Advisory Group. Recommendations are listed below.

Recommendations

1. That funding be provided from the Regional Arts Development Fund as follows:

Applicant	Project	Letter No.	Requested Funding	Recommended Funding
Burdekin Potters Inc	Conduct two day Raku Firing Workshop with tutor, Michael Wein on 14&15 May	1481699	\$1,900	\$1,900
Burdekin Library	Conduct workshops in use of iPad as an artist's creative tool on 27&28 February – one session for teachers and one session for community members	1481032	\$2,400	\$2,400
Burdekin PCYC	Undertake mural art project during National Youth Week – 1 to 30 April and youth art event at Anzac Park	1481022	\$2,700	\$2,700

Burdekin Patchwork and Quilters Guild Inc	Conduct raw edged applique workshops with Amanda Daly – 14&15 May	1479733	\$1,250	\$1,250
Burdekin Patchwork and Quilters Guild Inc	Conduct ruler presentation and trunkshow workshops – 2-5 March	1479757	\$540	Nil
Burdekin Embroidery Mates	Conduct 3 one day creative sewing workshops with Jane Grove	1479731	\$1,070	\$1,070
Burdekin Embroidery Mates	Conduct ruler presentation and trunk show workshops – 2-4 March	1479732	\$870	Nil
Burdekin Art Society Inc	Conduct two day acrylic painting workshop with tutor, Don Milner – 28&29 May	1481062	\$1,280	\$1,280
Burdekin Community Association Inc	Conduct art workshops with tutor, Loris Bradley as part of National Volunteers Week 9 to 13 May	1470934	\$2,580	\$1,870
Burdekin Singers & Theatre Co	Towards cost to produce and perform the musical “The Addams Family”	1473997	\$5,000	\$5,000
Flexi Queensland	Conduct four week traditional art workshops with tutor, Aicey Zaro – 7 March – 9 May	1481598	\$1,000	\$1,000
Burdekin Readers and Writers’ Association Inc	Towards cost of conducting Ignite Your Mind Burdekin Readers’ & Writers’ Festival 2016	1484407	\$6,500	\$5,000
TOTALS			\$27,090	\$23,470

2. That Erin Alloway, Mickey McKellar be appointed as community representatives on the RADF Advisory Group
3. Nominations be re-advertised for the third community representative on the RADF Advisory Group

Resolution

Moved Councillor Liessmann, seconded Councillor Loizou 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 Lewis 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;
- 275(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

1. The issue of new property valuations
2. State Government Project in the Burdekin
3. Deer Control on Rita Island

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

17.1 State Government Project in the Burdekin

Resolution

Moved Councillor Liessmann, seconded Councillor Lewis that Council adopts the in-kind contribution budget of \$152,942 in support of a State Government project in the Burdekin

CARRIED

18 DELEGATIONS

10:00am Paul Griffiths – Local Farmer to attend and discuss deer problem at Rita Island

There being no further business the meeting closed at 12.30pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 8 March 2016.

MAYOR

4 REPORTS

5 GOVERNANCE & LOCAL LAWS

5.1 Adoption of Updated Delegations Register- Council to CEO

Document Information

Referring Letter No: N/A

File No: 405

Name of Applicant: N/A

Location: N/A

Author and Title: Rebecca Woods- Executive Officer

Executive Summary

Council has recently received updates through the delegation service provided by LGAQ. In light of these updates it is considered prudent to update Council's Register of Delegations- Council to CEO.

Recommendation

That pursuant to section 257 (1) (b) of the Local Government Act 2009, Council delegates all of its lawfully delegable powers under each of –

- a) the local laws listed in Schedule 1 of the Register of Delegations- Council to CEO, and
- b) the Acts listed in Schedule 2 of the Register of Delegations- Council to CEO, to the chief executive officer, subject to the conditions stated below.

1. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.

2. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).

That the Register of Delegations- Council to CEO be updated on Council's public web site and made available through the Customer Service Centre.

Background Information

Council receives updates through the Local Government Association of Queensland's (LGAQ's) delegation register service. LGAQ receives expert advice from King & Co.

solicitors. Upon review of the information provided, along with the existing delegations register Council to CEO, it is considered prudent to update our Register of Delegations. King and Co have now provided details of powers to be included in the register which were not previously included in our register. The new registers included are:

- Animal are and Protection Act 2001
- Biosecurity Act 2014 (due to commence 1 July 2016)
- Body Corporate and Community Management (Specified Two-Lot Schemes Module) Regulation 2011
- Building Regulation 2006
- Queensland Heritage Act 1992
- Residential Tenancies and Rooming Accommodation Act 2008
- River Improvement Trust Act 1940

Subsequent sub delegations will be recorded in the CEO to employee or contractor register as approved by the CEO following adoption of the attached updated register

Link to Corporate/Operational Plan

5.3.1 Apply an open and transparent leadership model

5.3.2 Adhere to the governance framework and public reporting systems

5.3.4 Undertake regulatory responsibilities in accordance with state regulations

Consultation

N/A

Legal Authority or Implications

Section 257 (1)(b) of the Local Government Act 2009 states that a local government may, by resolution, delegate a power under this Act (LGA2009) or another Act to the chief executive officer.

Policy Implications

N/A

Financial and Resource Implications

N/A

Report prepared by:

Rebecca Woods- Executive Officer

Report authorised by:

Matthew Magin- Chief Executive Officer

Attachments

1. Register of Delegations Council to CEO (Updated February 2016)

Register of Delegations by the Burdekin Shire Council to the Chief Executive Officer

Delegation No.	Description of powers delegated	Resolution	Conditions and limitations	Authority
1	To exercise all lawfully delegable powers under each of the local laws listed in Schedule 1, including any amendments thereto, and subordinate local laws made under those local laws.	Adopted: 27/09/2011 Amended: 14/02/2012 26/11/2013 09/09/2014	<ul style="list-style-type: none"> The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large. The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council. 	Local Government Act 2009 s257
2	To exercise all lawfully delegable powers under – <ul style="list-style-type: none"> each of the Acts listed in Schedule 2, including any amendments thereto, and regulations and other statutory instruments made under those Acts, and any other local government Acts that come into force, including any amendments thereto, and regulations and other statutory instruments made under those Acts. 	Adopted: 27/09/2011 Amended: 14/02/2012 26/11/2013 29/02/2016	<ul style="list-style-type: none"> The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large. The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council. 	Local Government Act 2009 s257



Schedule 1 – Local Laws

Local Law No. 1 (Administration) 2012

- Subordinate Local Law 1.01 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2012
- Subordinate Local Law No. 1.02 (Commercial Use of Local Government Controlled Areas and Roads) 2012
- Subordinate Local Law 1.03 (Establishment or Occupation of a Temporary Home) 2012
- Subordinate Local Law 1.04 (Installation of Advertising Devices) 2012
- Subordinate Local Law 1.05 (Keeping of Animals) 2012
- Subordinate Local Law 1.06 (Operation of Camping Grounds) 2012
- Subordinate Local Law 1.07 (Operation of Cane Railways) 2012
- Subordinate Local Law 1.08 (Operation of Caravan Parks) 2012
- Subordinate Local Law 1.09 (Operation of Cemeteries) 2012
- Subordinate Local Law 1.10 (Operation of Public Swimming Pools) 2012
- Subordinate Local Law 1.11 (Operation of Rental Accommodation) 2012
- Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2012
- Subordinate Local Law 1.13 (Undertaking Regulated Activities regarding Human Remains) 2012
- Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2012
- Subordinate Local Law 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2012
- Subordinate Local Law 1.16 (Gates and Grids) 2012
- Subordinate Local Law 1.17 (Reservation of Bathing Reserve for Training, Competition etc) 2012
- Subordinate Local Law 1.18 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2012
- Subordinate Local Law 1.19 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2012
- Subordinate Local Law No. 1.20 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 2012

Local Law No. 02 (Animal Management) 2012

- Subordinate Local Law No. 2 (Animal Management) 2012

Local Law No. 3 (Community and Environmental Management) 2012

- Subordinate Local Law No. 03 (Community and Environmental Management) 2012

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012

- Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012

Local Law No. 5 (Parking) 2012

- Subordinate Local Law No. 05 (Parking) 2012

Local Law No. 6 (Bathing Reserves) 2012

- Subordinate Local Law No. 06 (Bathing Reserves) 2012

Local Law No. 7 (Aerodromes) 2012

Schedule 2 – Legislation

- Animal Care and Protection Act 2001
 - Animal Management (Cats & Dogs) Act 2008
 - Biosecurity Act 2014 **(Due to commence 1 July 2016)**
 - Body Corporate and Community Management Act 1997
 - Body Corporate and Community Management Regulations 2008
 - Building Act 1975
 - Building Regulation 2006
 - Coastal Protection and Management Act 1995
 - Disaster Management Act 2003
 - Environmental Protection (Waste Management) Regulation 2000
 - Environmental Protection (Water) Policy 2009
 - Environmental Protection Act 1994
 - Environmental Protection Regulation 2008
 - Fire and Rescue Services Act 1990
 - Food Production (Safety) Act 2000
 - Heavy vehicle National Law (Qld)
-



Burdekin Shire Council

- Heavy Vehicle (Mass, Dimension and Loading) National Regulation
 - Heavy Vehicle National Law Regulation
 - Information Privacy Act 2009
 - Land Act 1994
 - Land Protection (Pest and Stock Route Management) Act 2002
 - Land Valuation Act 2010
 - Liquor Act 1992
 - Local Government Act 2009
 - Local Government Regulation 2012
 - Nature Conservation Act 1992
 - Nature Conservation (Administration) Regulation
 - Nature Conservation (Wildlife Management) Regulation 2006
 - Plumbing and Drainage Act 2002
 - Public Health (Infection Control for Personal Appearance Services) Act 2003
 - Public Health Act 2005
 - Public Health Regulations
 - Public Interest Disclosure Act 2010
 - Public Records Act 2002
 - Queensland Reconstruction Authority Act 2011
 - Queensland Heritage Act 1992
 - Residential Services (Accreditation) Act 2002
 - Residential Tenancies and Rooming Accommodation Act 2008
 - Right to Information Act 2009
 - River Improvement Trust Act 1940
 - Standard Plumbing and Drainage Regulation 2003
 - State Penalties Enforcement Act 1999
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Burdekin Shire Council

- Statutory Bodies Financial Arrangement Act 1992
 - Stock Act 1915
 - Summary Offences Act 2005
 - Summary Offences Regulation 2006
 - Survey and Mapping Infrastructure Act 2003
 - Sustainable Planning Act 2009
 - Sustainable Planning Regulation 2009
 - Tobacco and Other Smoking Products Act 1998
 - Transport Infrastructure Act 1994
 - Transport Infrastructure (Public Marine Facilities) Regulation 2011
 - Transport Operations (Marine Pollution) Act 1995
 - Transport Operations (Marine Safety) Act 1994
 - Transport Operations (Marine Safety) Regulation 2004
 - Transport Operations (Road Use Management) Act 1995
 - Trusts Act 1973
 - Waste Reduction and Recycling Act 2011
 - Water Act 2000
 - Water Supply (Safety and Reliability) Act 2008
 - Work Health and Safety Act 2011
 - Work Health and Safety Regulation 2011
 - Workers Compensation and Rehabilitation Act 2003
 - Workers Compensation and Rehabilitation Regulation 2003
-

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

10 PLANNING & DEVELOPMENT

10.1 Development Application for Material Change of Use Multi Unit Development at 39 Queen Street, Ayr (Lot 1 on RP708457 Parish of Antill, County of Gladstone)

Document Information

Referring Letter No: 1476670

File No: 226 (Cons15/0027)

Name of Applicant: Antonio Felesina

Location: 39 Queen Street, Ayr (Lot 1 on RP708457, Parish of Antill, County of Gladstone)

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

Executive Summary

An application has been received from Antonio Felesina, seeking approval for a Multiple Unit Development at 39 Queen Street, Ayr (Lot 1 on RP708457, Parish of Antill County of Gladstone). A Development Application (Code Assessable) for a Material Change of Use has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme (*the scheme*).

Recommendation

That Council approves the Development Application for a Material Change of Use for a Multiple Unit Development at 39 Queen Street, Ayr (Lot 1 on RP708457, 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 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 approved plans listed below submitted by 'Tony Ferraris Consulting Building Design' except where modified by the conditions of this Development Permit and any approval issued there under.

Project/Job No	Drawing No. and Issue	Date
Unit Development, TFBD-15044	A01, A.2	18.02.16
Unit Development, TFBD-15000 (Elevations)	A03, P3	14.12.15

BUILDING WORK

2. A development permit for Building Works is to be obtained before any building works are carried out on the premise. Proposed buildings to be constructed within allowable setbacks must achieve acceptable solutions in accordance with the requirements of Section C; Building Code of Australia – (Siting provisions and fire resistance).

ROADWORKS

- 3.1 Construct a minimum 6m wide industrial crossover (150mm thick, 32 mPa concrete, F72 mesh) at the proposed entry point on Soper Street. The crossover is to be constructed from the invert of the existing kerb and channel to the property boundary and re-profile the footpath each side of the proposed driveway to comply with AS1428 – Design for access and mobility.
- 3.2 A trench grate is to be installed across the driveway at the property boundary to intercept stormwater flows.
- 3.3 Access to the proposed development is by left turn in only. Egress is by way of left turn out only.

ACCESS AND PARKING

- 4.1 Parking shall be provided generally in accordance with the approved plan from Tony Ferraris Consulting Building Design (JobNo TFBD-15044 DWG No A01 Issue A.2).
- 4.2 Parking space and layout must be designed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards of the Planning Scheme.

-
- 4.3 Access to the premises, car parking and manoeuvring areas must be constructed in an all weather low glare paving, exposed aggregate concrete or similar material to the satisfaction of the Chief Executive Officer.

DRAINAGE

- 5.1 Stormwater drainage from paved/sealed and roofed 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.
- 5.2 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.
- 5.3 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

WATER SUPPLY

6. The development must be connected to Council's reticulated water supply. The water connection must be provided at a location approved by council and at the full cost of the developer.

SEWERAGE SUPPLY

7. The development must be serviced by the Council's reticulated sewerage system. The sewerage connection is to be provided at a location approved by Council. The developer shall bear the costs of design and construction associated with such connections including any alterations or upgrades to Council's existing infrastructure.

EXTERNAL WORKS

8. 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.

OPERATIONAL WORKS

9. Where operational works are required to be carried out for the development, the developer must, within a period of two years from the date of this permit and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-
- (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is a 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

10. 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.

LANDSCAPING AND SCREENING

11. 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.

DOMESTIC WASTE

- 12.1 Waste bins shall be provided and stored in locations as shown on Drawing No A02-03. The number of bins shall be in accordance with Burdekin Shire Council's Waste Management Policy.
- 12.2 Waste bins shall be washed or cleaned only on the car wash bay which shall be constructed under separate approval and fitted with traps, diversion valves and other approved devices to prevent stormwater ingress into the sewerage system and to prevent the risk of release of contaminants to stormwater.

ADVICE (Note: These are not conditions)

N/A

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

Background Information:

Burdekin Shire Council acting as the Assessment Manager has received a Development Application for a Material Change of Use, Multiple Unit Development (6 x 1 bedroom units) at 39 Queen Street, Ayr (Lot 1 on RP708457, Parish of Antill County of Gladstone). The land is zoned 'Residential' with the proposal triggering a 'Code Assessable' Development Application assessed against the 'Residential Zone' Code of the Burdekin Shire Council's IPA Planning Scheme (*the Scheme*).

Scheme Definition:

Multiple unit development – “Premises comprising more than two dwelling units in one building or more than one building where more than two dwelling units are involved, together with any ancillary facilities and structures that are necessary for the use, whether or not the premises are subdivided afterwards by Community Title Plan or otherwise.”

The term does not include "Duplex Units" or "Accommodation Building".

The Application:

This application is to gain approval for the permission to construct a 6 x 1 bedroom Multi Unit Development on a vacant block of land located at 39 Queen Street, Ayr. The site is zoned “Residential” under the provisions of Councils IPA Planning scheme. The proposed development is to be constructed on a 1011m² parcel of land with road frontage of 20m to Queen Street and 50m to Soper Street. The proposed development when completed will have site coverage of approximately 45% under roof. The units will be concrete masonry block construction, single storey with the main street frontage and access being Soper Street.

The applicant has indicated that the target market for this development will be aged retirees. Design concepts such as wider door widths, hand rails and no steps have been included to appeal to this market. Proximity to essential services will also be a feature that would appeal to the target market. That stated, the application is for 6 multiple units and no restrictions on tenants have been included as part of this particular application.

The outcomes and solutions contained within the planning scheme set out to achieve developments with a range of housing types to meet the whole community’s needs, providing a high level of residential amenity, safety and buffering. In particular, the overall outcomes for the residential zone code properly establish an expectation for residential development. The amended proposal in conjunction with scale and development conditions will ensure that the requirements of the scheme are met.

Site Description/Surrounding Land Uses:

The subject site is a 1011m² regular shaped vacant lot that is generally flat and situated on the northern corner of Queen and Soper Streets in close proximity to the Ayr CBD. There is a variety of different land uses located within the surrounding area of the proposed development. These include several low and high density residential developments, commercial premises, one licensed premise and the Ayr Fire Station.

The adjoining properties and existing land uses to the north are predominately used for residential purposes, including both single dwelling and multi-unit. The existing land use to the south of the proposed site continuing towards the CBD is mainly retail and commercial including a hotel, optometrist, physiotherapist and cafes.

Scheme Assessment:

The proposed Multiple Unit Development located in the Residential Zone triggers a code assessable development application for a Material Change of Use. The Overall Outcomes of the Residential Zone code seek to incorporate a range of housing types and available to meet community needs in the zone including accommodation buildings, dwelling houses, dual occupancies, duplex units, **multiple unit developments**, relatives apartments and retirement villages.

In accordance with the Planning Schemes ‘Residential Zone Code’, Site Density is assessed under Specific Outcomes (SO) - 06. The acceptable solution to this outcome allows a site

density of 180 persons per hectare of site area based upon specific occupancy rates. The proposed density of **11** persons/site area complies with SO-06 and therefore meets the requirements of the scheme as it is well under the allowable number of **18** persons/site area.

Under the provisions of the scheme, Schedule 2 – Vehicle parking rates and standards stipulates that for multiple dwelling units a total of 7 covered car parking spaces are required plus 1 paved washing bay. The proposal contains 6 covered parks, 5 visitor parks and a wash down bay. The design of the access, internal road layout and car-parking will allow all vehicles acceptable levels of manoeuvrability and vehicles to enter and exit the site in a forward manner. It is considered that proposed parking provisions comply with Schedule 2 of the scheme.

All stormwater captured within the proposed development will be distributed by the internal drainage system under the footpath to either Queen or Soper Streets. The subject site does not require a flood certificate to establish a habitable room floor height.

It is not considered that the application is in substantial conflict with any Specific Outcomes of the Residential Zone Code that would warrant refusal or that could not be justified by reasonable planning grounds, particularly the intended uses of the zone and need for this type of residential use.

Trunk Infrastructure Charges:

This development application is to be assessed under the provisions of the Adopted Infrastructure Charges Resolution and will have the relevant charge levied. This charge applies to each of the five trunk infrastructure networks (transport, water supply, sewerage, stormwater and community facilities and parks).

The infrastructure charge levied is required to be calculated in accordance with the appropriate formula as identified in Table 2.1 of the Charges Resolution.

An Infrastructure Charges Notice (ICN) will be issued with the Decision Notice and the charge will be payable before the commencement of the use.

Comment on Submissions:

Given that the application was 'code' assessable, no properly made submissions were received. This was due to the fact that 'code' assessable development applications do not require public notification.

However, Council has received a number of objections to the proposal from concerned residents. These objections do not have any appeal rights under the Sustainable Planning Act 2009, however, valid concerns raised have been considered as part of the assessment of this proposal.

The objections all draw attention to concerns with the development in its current form. Main issues raised by the residents included: negative impacts on visual amenity, crime (high assault area), general safety, social impacts, quality of building work, poor design, car parking, noise and storm water runoff.

Council has acknowledged the valid concerns received and has liaised with the applicant to minimise any negative impacts to the locality. Amended design plans have been accepted addressing some of these concerns including car parking and manoeuvring standards. Development conditions have been drafted and will be included as part of the

recommendation that will ensure appropriate design standards including landscaping and setbacks are incorporated at the construction phase of the development.

Unfortunately, the assessment process and basic planning principles associated with this code assessable application are not broad enough to control the social impacts of irresponsible tenants in Multi Unit developments.

In addition to concerns lodged by nearby residents, Brazier Motti Pty Ltd were also engaged to make additional representations on their behalf. The representations detail how in their opinion the proposed development is inconsistent with several of the overall and specific outcomes for the Residential Zone Code.

Below is an extract from the relevant parts of the 'Residential Zone Code' and comments that address these concerns.

Overall outcomes for the Residential Zone code

2. *The overall outcomes sought for the Residential Zone code are the following:*

- (xi) The design and siting of housing considers the location, flood potential, the surrounding land uses and the intensity of the proposed use;*
- (xii) Development does not negatively impact on the amenity of the area in which it is situated and promotes high levels of physical amenity, visual character and safety;*
- (xiii) Incorporates landscaping which provides shade, enhances the appearance of any development and effectively buffers incompatible development;*
- (xv) The convenience, privacy and safety of all residential activities is protected;*

Specific outcomes and acceptable solutions for the Residential Zone code

Column 1 Specific Outcomes		Column 2 Acceptable Solutions	
<i>Building Siting and Design</i>			
O1	Building design for residential buildings and siting maintains the residential amenity and safety of the area in which it is located.	S1	Residential buildings do not exceed the site coverage thresholds of 50%.
<i>Building Siting, Form and Design</i>			
O8	Residential buildings achieve an adequate level of privacy for inhabitants and neighbours.	S8.1	The habitable rooms and balconies of residential buildings (except dwelling house) do not overlook a habitable room or private open space of an adjoining dwelling unit or are screened to prevent the loss of privacy.

		S8.2	Residential buildings (except dwelling house) are provided with a screen fence on the side and rear boundaries of at least 1.8m in height, which does not impede the free flow of flood waters.
Landscaping and Recreation Areas			
O11	Landscaping and recreation space is provided on the premises, other than for dwelling houses, and is at an appropriate scale relative to the street and the height and bulk of buildings and structures on site.	S11	Each dwelling unit provides – a) 30m ² landscape area per bedroom with at least 40% of total space in one useable parcel being not less than 5m in width; and b) a 2m wide landscape strip or fencing of 1.8m in height to side and rear boundaries to block views of and from adjoining uses.
Car Parking and Access			
O12	All vehicles will be able to access the site in a safe and efficient manner.	S12	Car parking areas for residents and visitors are provided in accordance with Schedule 2 – Vehicle parking Rates and Standards.

In response to these additional representations, the applicant has submitted an amended site plan to provide an improved overall design outcome. Specifically; to address the original problems associated with internal manoeuvrability, car parking and additional vegetated buffering to both frontages of the property to improve visual amenity and privacy.

Conclusion:

Council's Development Assessment Team members have assessed the application and have recommended approval of the application due to it responding to the requirements of the scheme. Reasonable and relevant conditions have been included in relation to access and egress and water and sewerage infrastructure provision. The development will have minimal impact on the privacy of adjoining residential properties and is considered to provide ample set back distances, screening and building orientation to protect and promote privacy of adjoining residential properties. Given the fact that the existing surrounding amenity is predominately residential, the amenity of the area should not be detrimentally impacted upon. Assessment of the proposal against the planning scheme requirements, has demonstrated that the proposed development will achieve compliance with all relevant aspects of the Residential Zone Code. It is recommended that Council approve 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





Planning Scheme



Zone Map





11 COMMUNITY DEVELOPMENT

12 ECONOMIC DEVELOPMENT

13 GENERAL BUSINESS

14 CORRESPONDENCE FOR INFORMATION

Tabled Separately

15 NOTICES OF MOTION

16 URGENT BUSINESS

17 CLOSED MEETING ITEMS

18 DELEGATIONS

