



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 13 December 2016

COMMENCING AT 9:00AM



TUESDAY 13 DECEMBER 2016

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ATTENDANCE

Councillors L.A. McLaughlin (Mayor), J.F. Woods (Deputy Mayor), J.T. Bonanno, A.J. Goddard, U.E. Liessmann and S.P. Perry.

Mr. T. Brennan - Chief Executive Officer
Mr. D. Mulcahy – Manager Governance and Local Laws
Mr. S. Great - Manager Planning and Development
Mr. T. Vaccaro – Manager Community Development
Mrs. K. Olsen - Manager Financial and Administrative Services
Mr. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services

Minutes Clerk – Mrs. A. Dale

Apologies – Councillor E.J. Bawden – Approved Leave of Absence

1 PRAYER

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

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Perry declared a perceived conflict of interest in respect of agenda item 10.1 as the applicants are close family friends. Councillor Perry advised of her intention to leave the meeting during consideration of this application.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 6 December 2016

Recommendation

That the minutes of the Ordinary Council Meeting held on 6 December 2016 be received as a true and correct record.

Resolution

Moved Councillor Perry, seconded Councillor Woods that the recommendation be adopted.

CARRIED

3.2 Burdekin Building Safer Communities Action Team Meeting Minutes - 12 October 2016

Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 12 October 2016 be received and adopted.

Resolution

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

CARRIED

3.3 Burdekin Shire Youth Council Meeting Minutes - 17 October 2016

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 17 October, 2016 be received and adopted.

Resolution

Moved Councillor Woods, seconded Councillor Bonanno that the recommendation be adopted.

CARRIED

3.3.1 Letter of Congratulations - Burdekin Shire Youth Council

Resolution

Moved Councillor Perry, seconded Councillor Goddard that Council write a letter of congratulations to the Burdekin Shire Youth Council for actively participating in community events and festivals during 2016 and representing the Burdekin Shire Youth Council in a positive, professional and community minded manner.

CARRIED

3.4 Burdekin Shire Youth Council Meeting Minutes - 28 November 2016

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 28 November 2016 be received and adopted.

Resolution

Moved Councillor Woods, seconded Councillor Goddard that the recommendation be adopted.

CARRIED

3.5 Burdekin Road Safety Advisory Committee - 30 November 2016

Recommendation

That the minutes of the Burdekin Road Safety Advisory Committee Meeting held on 30 November 2016 be received and adopted.

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that the recommendation be adopted noting the following amendments;

1. That item 5.10 was not supported by Council and;
2. That item 5.20 be amended to, Mr. Ingle presented a map of the Y intersection on Giddy and Maidavale Roads, Airville. It was endorsed by the committee that the configuration of this intersection be investigated further and listed for the future works program due to road safety concerns.

CARRIED

3.5.1 Parking Difficulty - Eighth Avenue, Home Hill

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that Council officers investigate road safety options on Eighth Avenue, Home Hill in relation to the cross slope of the road in the parking bays and access to footpath.

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 30 November 2016

Recommendation

That the Capital Projects Monthly Report for Period Ending 30 November 2016 be received.

Resolution

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

CARRIED

4.2 Operating Statement for Period Ending 30 November 2016

Recommendation

That the Operating Statement for Period Ending 30 November 2016 be received.

Resolution

Moved Councillor Woods, seconded Councillor Bonanno that the recommendation be adopted.

CARRIED

5 GOVERNANCE & LOCAL LAWS

5.1 Presentation - NQ Dry Tropics - Update On Current Projects

Mr. Scott Fry, Senior Project Officer – Waterways, Wetlands and Coasts Program of NQ Dry Tropics was to provide an update on current projects, however, this presentation has been deferred until 2017.

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

9.1 Extension to Police Citizens Youth Club, Anzac Park

Executive Summary

Council requested liaison with the Police Citizens Youth Club regarding future requirements.

Motion

Moved Councillor Liessmann, seconded Councillor Perry that Council receives and adopt the report regarding future requirements for the Police Citizen Youth Club (PCYC) facility adjacent to the basketball stadium and old Junior Soccer fields, Ayr.

CARRIED

9.1.1 Lease Discussions - Burdekin Touch Association

Resolution

Moved Councillor Woods, seconded Councillor Goddard that Council enter into discussions with Burdekin Touch Association concerning the extent of the land required by the Association under the lease that it has over the old Junior Soccer fields.

CARRIED

9.2 Upgrade Water Pressure - Ayr Water Supply

Executive Summary

A report on the pressure upgrade to Ayr Water Supply following the completion of recent works.

Recommendation

That Council receive and adopt the report.

Resolution

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

CARRIED

10 PLANNING & DEVELOPMENT

10.3 Report - Material Change of Use for Home Occupation (Hairdressing) at 18 Rae Street, Ayr (Lot 8 on RP709886, Parish of Antill, County of Gladstone) - Washbourne

Executive Summary

An application for a Material Change of Use has been received from Andrew & Kirstie Washbourne, seeking approval to establish a Home Occupation business for Hairdressing at 18 Rae Street, Ayr (Lot 8 on RP709886, 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 (*the scheme*).

Recommendation

That Council approves the Development Application - Material Change of Use for a Home Occupation (Hairdressing) at 18 Rae Street, Ayr (Lot 8 on RP709886, 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 Home Occupation can only be operated strictly in accordance with the supporting material and approved plans submitted with the application and can only be conducted by a person resident therein.

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- 1.3 No source of power other than one or more single phase electric motors having a total connected load of not more than 2.2 kilowatts is used.
 - 1.4 The floor area used (whether temporarily or permanently) does not exceed more than one-third of the total floor area of the dwelling house, except with and in accordance with the conditions of an express permission of the Council.
 - 1.5 No load is imposed on any local utility greater than that which is normally required by other uses permitted in the zone in which the dwelling house is situated.
 - 1.6 No machinery or apparatus causing interference with reception of radio or television signals is used or operated.
 - 1.7 There is no public display of goods on the premises.
 - 1.8 Only one sign with a maximum face area of 0.5 m² and bearing only the name of the person carrying out the business and the type of business is to be provided on the premises.
 - 1.9 The activity does not cause any injury to or have a prejudicial effect on the amenity of the locality in which it is carried out due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste products, or anything whatsoever.
 - 1.10 The approved use shall be undertaken so that no undue disturbance is caused to neighbouring properties by virtue of noise, bright lights, traffic movements or interference with radio and television reception.

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.

STORMWATER

4. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

ADVICE (Note: These are not conditions)

- *The footpath between the kerb and property boundary is to be kept clear of parked vehicles.*
- *Businesses which provide higher risk personal appearance services must hold a licence under the Public Health (Infection Control for Personal Appearance Services)*

Act 2003. Prior to the commencement of higher risk personal appearance services contact Council's Environment and Health Department for advice on licence application procedures.

- *A higher risk personal appearance service involves any of the following skin penetration procedures, in which the release of the blood or other body fluid is an expected result:*
 - *body piercing, other than closed ear or nose piercing*
 - *implanting natural or synthetic substances into a person's skin*
 - *scarring or cutting a person's skin using a sharp instrument to make a permanent mark, pattern or design*
 - *tattooing (including cosmetic tattooing or semipermanent make-up).*

Resolution

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

CARRIED

15 GENERAL BUSINESS

15.1 Capital Works Program - Drysdale Street, Ayr

Resolution

Moved Councillor Woods, seconded Councillor Perry that Council list an additional section of footpath on Drysdale Street, Ayr from Burke Street to Klondyke Road, Ayr for consideration as part of the development of the future Capital Works Program.

CARRIED

17 DELEGATIONS

17.1 Australian Citizenship Ceremony - 13 December 2016

10.15am - Australian Citizenship Ceremony – A number of local residents were naturalised at the Citizenship Ceremony conducted by the Mayor.

10.40am - Break for Morning Tea.

11.03am – Recommended meeting

11.04am - Councillor Perry declared a perceived conflict of interest in respect of agenda item 10.1 as the applicants for planning approval are close family friends. Councillor Perry left the meeting during consideration of this application.

10 PLANNING & DEVELOPMENT

10.1 Development Application for Reconfiguring a Lot at 43 Robins Road, Ayr (Lot 4 on RP719819 Parish of Jarvisfield, County of Gladstone)

Executive Summary

A Development Application has been received from Atkinson and Booy Surveys on behalf of their clients Tony and Joanne Sandona seeking approval for Reconfiguring a Lot (1 into 2 lots) at 43 Robins Road, Ayr (Lot 4 on RP719819 Parish of Jarvisfield, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme (*the scheme*). Given the 'Rural' zoning, it is considered that the application is contrary to achieving the purpose of the scheme. Refusal of the application is recommended.

Recommendation

That Council refuse the Development Application for Reconfiguring a Lot (1 into 2 lots) at 43 Robins Road, Ayr (Lot 4 on RP719819 Parish of Jarvisfield, County of Gladstone) based on the following grounds:

- The proposed development compromises the achievement of specific Desired Environmental Outcomes (DEO's) contained within the Burdekin Shire Council's IPA Planning Scheme.
- The development proposed has not demonstrated sufficient grounds to justify or override the identified conflicts with the Burdekin Shire Council's IPA Planning Scheme and in particular the Reconfiguring a Lot Code.
- The development proposed is not located in an area planned to benefit from all relevant urban infrastructure and current planning assumptions. Consequently, the proposal conflicts with the provisions of the Burdekin Shire Council's IPA Planning Scheme.

Resolution

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

FOR - Councillors Goddard, Liessmann, McLaughlin

AGAINST – Councillors Woods and Bonanno

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CARRIED

11.18am – Councillor Perry return to the meeting.

10.2 Development Application for Reconfiguring a Lot at 122 Mountainview Road, Airville (Lot 23 on SP129621 Parish of Jarvisfield, County of Gladstone)

Executive Summary

A Development Application has been received from Atkinson and Booy Surveys on behalf of their client Kirk Purtill seeking approval for Reconfiguring a Lot (1 into 2 lots) at 122 Mountainview Road, Airville (Lot 23 on SP129621 Parish of Jarvisfield, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme. Given the 'Rural' zoning, it is considered that the application is contrary to achieving the purpose of the Planning Scheme. Refusal of the application is recommended.

Recommendation

That Council refuse the Development Application for Reconfiguring a Lot at 122 Mountainview Road, Airville (Lot 23 on SP129621 Parish of Jarvisfield, County of Gladstone). A Development Application (Code Assessable) based on the following grounds:

- The proposed development compromises the achievement of specific Desired Environmental Outcomes (DEO's) contained within the Burdekin Shire Council's IPA Planning Scheme.
- The development proposed has not demonstrated sufficient grounds to justify or override the identified conflicts with the Burdekin Shire Council's IPA Planning Scheme and in particular the Reconfiguring a Lot Code.
- The development proposed is not located in an area planned to benefit from all relevant urban infrastructure and current planning assumptions. Consequently, the proposal conflicts with the provisions of the scheme.

Resolution

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

FOR – Councillor Goddard.

AGAINST – Councillors McLaughlin, Bonanno, Perry, Liessmann and Woods.

1/5

LOST

Reasons for Council not accepting Officer's recommendation

The following reasons were provided by Council for not adopting the Officers recommendation:

- The proposed development is consistent with existing rural residential amenity in this location

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- The proposed new lot is similar in size and configuration to surrounding lots
 - The proposed subdivision will not compromise any Good Quality Agricultural Land (GQAL)
 - The lots are adequately serviced by acceptable road infrastructure
 - The land is of an appropriate size to allow for a compliant effluent disposal system to service any new dwelling house to be constructed on the proposed new lot.

Recommendation

That Council approves the Development Application for Reconfiguring a Lot at 122 Mountainview Road, Airville (Lot 23 on SP129621 Parish of Jarvisfield, County of Gladstone), subject to the following conditions:

GENERAL

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2 Pay the sum of \$70-50 calculated on the basis of a charge per lot to be levied on the Council by the Department of Natural Resources and Mines for each new valuation.

ROADWORKS

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

PROPOSAL PLAN

3. The reconfiguration of the land must be carried out generally in accordance with:-
 - (a) (i) the proposed Atkinson and Booy surveys plan No P16-146b.dwg;
 - (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council;Except where modified by the conditions of approval and any approval issued there under; and
 - (b) any approval issued under this approval; and
 - (c) any development permit for operational works relating to the reconfiguring of a lot;

DRAINAGE

4. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

PUBLIC UTILITY SERVICES

5. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the reconfiguration the developer must bear the cost of alteration or relocation.

ADVICE (Note: These are not conditions)

- *Unless otherwise specified by these conditions, the conditions must be complied with prior to approval of the Plan of Survey.*
- *Any future on-site sewerage treatment and disposal on the proposed lots must be in accordance with the On Site Sewerage Code and AS/NZS 1547:2000.*
- *It is noted that proposed Lots 23 and 24 will be in the vicinity of existing agricultural uses. The owner of proposed Lots 23 and 24 is to be responsible for the establishment and ongoing maintenance of any buffer required between any residential and agricultural land uses. Any buffer should incorporate measures to minimise the impact of dust, smoke, noise and ash in accordance with the "Planning Guidelines: Separating Agricultural and Residential Land uses – August 1997."*

Resolution

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

FOR – Councillors McLaughlin, Bonanno, Perry, Liessmann and Woods.

AGAINST – Councillor Goddard.

5/1

CARRIED

16 CLOSED MEETING ITEMS

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

Resolution

Moved Councillor Perry, seconded Councillor Liessmann 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;

- Risk Profiling Workshop with Mr. Stephen Dredge, Principal – Planning, Risk and Resilience for Hawksley Consulting.
- Future provision of waste management services.

CARRIED

12.45pm - Break for Lunch

1.15pm – Recommended meeting

Council Meeting opened to Public

Resolution

Moved Councillor Bonanno, seconded Councillor Perry that the Council meeting be opened to the public.

CARRIED

3.1.1 Business Arising - Fire Hydrants - Airdmillan Road, Ayr - Laid on the Table at the Ordinary Council Meeting held on Tuesday 6 December 2016

Mr Great provided advice to Councillors in relation to the Private Certification process and the implications of building approvals for landowners of industrial zoned land in the vicinity of the property.

Resolution

Moved Councillor Perry, seconded Councillor Bonanno that Council resolves to install a new 150mm diameter watermain along Airdmillan Road from Chippendale Street to Ferguson Road, Ayr for the purpose of increasing water flow/pressure to the industrial zoned land.

CARRIED

11 COMMUNITY DEVELOPMENT

11.1 Plantation Park Survey Results

Mrs. Julie Davies – Media and Communications Officer, presented to Council the Plantation Park Survey Results which included the top six responses in priority order and the top ten ideas suggested by the community.

8 OPERATIONS

8.1 Capital Works Program - Plantation Park - Roads and Carparks

Resolution

Moved Councillor Woods, seconded Councillor Perry that Council list sealing of roads and carparks in Plantation Park, Ayr for consideration as part of the development of the future Capital Works Program.

CARRIED

12 ECONOMIC DEVELOPMENT

13 NOTICES OF MOTION

14 CORRESPONDENCE FOR INFORMATION

15 GENERAL BUSINESS

16 CLOSED MEETING ITEMS

17 DELEGATIONS

There being no further business the meeting closed at 5.00pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on Tuesday 17 January 2017.

MAYOR

