



# Burdekin Shire Council

## MINUTES

### ORDINARY COUNCIL MEETING

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

**on 22 January 2019**

**COMMENCING AT 9:00AM**

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# Burdekin Shire Council

**TUESDAY 22 JANUARY 2019**

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# Burdekin Shire Council

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## **ATTENDANCE**

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

Mr. T. Brennan - Chief Executive Officer

Mr. N. O'Connor – Director Corporate and Community Services

Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services

Mr. D. Mulcahy – Manager Environmental and Health Services (part of meeting)

Mr. S. Great - Manager Planning and Development (part of meeting)

Mr. K. Byers - Manager Technical Services (part of meeting)

Minutes Clerk – Ms. K. Flanagan

Apologies: Councillor E.J. Bawden – absent due to illness

## **1 PRAYER**

The meeting prayer was delivered by Andrew Ballin of the Baptist Church.

## **2 DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

Councillor McLaughlin declared a Conflict of Interest relating to Item 17.1 - Quotation Recommendation for QBSC/18/051 - Design, Supply and Installation of a Grid Connect 100kw Solar Power System - Council Chambers and Administration Building as the owner of one of the firms (Laser Electrical Ayr) who submitted a quotation is a close family friend. Councillor McLaughlin advised of her intention to leave the room during discussion of this item.

Councillor Bonanno declared a Conflict of Interest relating to Item 17.1 - Quotation Recommendation for QBSC/18/051 - Design, Supply and Installation of a Grid Connect 100kw Solar Power System - Council Chambers and Administration Building as the owner of one of the firms (Laser Electrical Ayr) who submitted a quotation is a close family friend. Councillor Bonanno advised of his intention to leave the room during discussion of this item.

Councillor Perry declared a Conflict of Interest relating to Item 11.1 – Structural Integrity of Visitor Information Centre - Plantation Park as her mother-in-law, Maureen Perry, and late father in law, Norm Perry, were integral in the Visitor Information Centre's installation. Councillor Perry advised of her intention to leave the room during discussion of this item.

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### **3 MINUTES AND BUSINESS ARISING**

#### **3.1 Ordinary Council Meeting Minutes - 11 December 2018**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 11 December 2018 be received and confirmed.

##### **Resolution**

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

CARRIED

Councillor Woods noted that his declaration of a perceived Conflict of Interest in relation to Item 9.1 of the Ordinary Council Meeting Minutes on 11 December 2018 was based on advice he had been given at the time. He acknowledged that he should have declared a Material Personal Interest in relation to this item; however, he received this advice two days later at a training session regarding changes in the legislation.

#### **3.2 Burdekin Cultural Advisory Group Meeting Minutes - 17 September 2018**

##### **Recommendation**

That the minutes of the Burdekin Cultural Advisory Group Meeting held on 17 September 2018 be received and adopted.

##### **Resolution**

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

CARRIED

#### **3.3 Burdekin Shire Youth Council Meeting Minutes - 3 December 2018**

##### **Recommendation**

That the minutes of the Burdekin Shire Youth Council Meeting held on 3 December 2018 be received and adopted.

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## **Resolution**

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

CARRIED

### **3.4 Burdekin Senior Advisory Group Meeting Minutes - 12 December 2018**

## **Recommendation**

That the minutes of the Burdekin Senior Advisory Group Meeting held on 12 December 2018 be received and adopted.

## **Resolution**

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

CARRIED

## **4 REPORTS**

### **4.1 Council Workshop - December 2018**

## **Executive Summary**

The Council conducted a workshop on 4 December 2018 with a range of policy and operational issues discussed. This was the only workshop conducted in December due to the Christmas/New Year period and staff leave arrangements.

A training session was also conducted by officers from the Department of Local Government, Racing and Multicultural Affairs (DLGRMA) on 19 December focusing on recent legislative changes to the Local Government Act affecting councillors including the new Councillor Code of Conduct.

A brief summary of the items discussed at the workshop is contained in the report.

## **Recommendation**

That the report on the Council workshop held on 4 December 2018 be received and noted.

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**Resolution**

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

CARRIED

**4.2 Monthly Financial Report for Period Ending 31 December 2018****Recommendation**

That the Monthly Financial Report for Period Ending 31 December 2018 be received.

**Resolution**

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

CARRIED

**5 GOVERNANCE****5.1 Amendment of 2018/2019 Fees and Charges - Swimming Pool Safety Certificate****Executive Summary**

Due to changes in State Government imposed fees and the resulting non-compliance with Council's 2018/19 adopted fees and charges; a need has been identified to change the Swimming Pool Safety Certificate fee.

**Recommendation**

That Council approves a change in the 2018-2019 adopted fees and charges to remove the existing Swimming Pool Safety Certificate fee of \$38.10 and replace it with 'Current Adopted State Fee'.

**Resolution**

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

CARRIED

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## **5.2 Amendment of 2018/2019 Fees and Charges - Visitor Information Centre Services**

### **Executive Summary**

The Burdekin Shire Council operates two strategically placed Visitor Information Centres (VIC) in the region. The VIC's are a vital tool in developing the visitor economy in the Shire by providing accurate and up to date information to visitors thereby encouraging visitors to stay longer and boost the local economy.

Membership fees have been reviewed and it is recommended the following categories be adopted, with specific benefits linked with each category:

Gold Membership - \$250, Silver Membership - \$160 and Bronze Membership - \$100  
(Membership fees inclusive of GST)

### **Recommendation**

That Council deletes the existing fees and charges for Visitor Information Services and adopts the following fees and charges:

- Gold Membership - \$250 (inc. GST)
- Silver Membership - \$160 (inc. GST)
- Bronze Membership - \$100 (inc. GST)

### **Resolution**

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

CARRIED

## **5.3 Appointment of Acting Chief Executive Officer**

### **Executive Summary**

The Chief Executive Officer (CEO) will be taking a period of annual leave from 18 February to 1 March 2019. During the absence of the CEO on leave the Council should take action to appoint an Acting CEO. It is proposed that Mr. Nick O'Connor - Director of Corporate and Community Services be appointed as Acting CEO for this period.

### **Recommendation**

That the Director of Corporate and Community Services, Mr. Nick O'Connor, be appointed Acting CEO from 18 February to 1 March 2019 during the absence of the CEO on annual leave.



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## **Resolution**

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

CARRIED

## **5.4 Councillor Remuneration Determination 2018**

### **Executive Summary**

The Local Government Remuneration and Discipline Tribunal have finalised its determination of remuneration arrangement for Mayors, Deputy Mayors and Councillors to apply from 1 July 2019. The Tribunal's determination was published in the Queensland Government Gazette on 14 December 2018. The determination is attached to this report. The 2018 remuneration determination sees an increase to remuneration levels for Mayors, Deputy Mayors and Councillors by 2.1% to be applied from 1 July 2019.

Councillors must be paid the maximum amount of remuneration as per the Tribunal's determination unless the Local Government, by resolution, decides the maximum amount is not to be paid to Councillors. Council can choose to make a resolution, prior to 1 July of a particular year, to set a lower amount of remuneration for each Councillor which will take effect from 1 July of that year.

If Council does not make any resolution to set a lower remuneration amount, the remuneration arrangements set out in the Tribunal's determination automatically take effect from 1 July 2019.

### **Recommendation**

That Council notes the attached Local Government Remuneration and Discipline Tribunal Report 2018.

## **Resolution**

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

CARRIED

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## **5.5 Review of Vehicle Policy**

### **Executive Summary**

The existing Vehicle Policy is reviewed regularly and some minor amendments to the policy have been identified. The section of the policy relating to the changeover period for private use vehicles is proposed to be amended to increase the changeover or retention period from three years or 80,000 kilometres to four years or 100,000 kilometres, whichever occurs first. The change is in line with the review and extension of retention periods for other classes of Council vehicles as part of an informal Fleet Asset Management Review.

A minor change is also proposed to the section of the policy relating to the provisions concerning employees electing to surrender their private use vehicle to Council during periods of paid leave and have their salary package adjusted. The amendment provides better definition around the use of this provision including specifying a minimum period of time before the provision could be applied.

### **Recommendation**

That Council adopt the amended Vehicle Policy as attached as Appendix A to the report.

### **Resolution**

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

CARRIED

## **6 ENVIRONMENTAL AND HEALTH SERVICES**

*9:37am – Mr. Dan Mulcahy – Manager Environmental Health Services entered the meeting.*

*9:40am – Mr. Kevin Byers – Manager Technical Services entered the meeting.*

### **6.1 2018 - 2019 Local Government Levy Ready Grant Program - Kirknie Road Landfill**

#### **Executive Summary**

In March 2018, the Queensland Government announced the introduction of the waste levy to provide an important market signal to reduce waste generation and the amount of waste disposed to landfill.

The Local Government Levy Ready Grant Program (LGLRGP) was established as a one-off grant to fund necessary infrastructure upgrades at local government landfills and support councils to get levy ready ahead of the waste levy commencement on 1 July 2019.

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Council made an application under the LGLRGP and was successful in gaining funds of \$217,197.02 which represents approximately 80% of proposed expenditure on eligible activities at the Kirknie Road Landfill.

### **Recommendation**

That Council:

1. Acknowledges the advice received from the Honourable Leeanne Enoch MP, Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts of funding approval of \$217,197.02 from the Local Government Levy Ready Grants Program.
2. Approves expenditure of \$270,100.88 (ex GST) in the 2018 - 2019 Budget for Levy Ready Projects noting that approximately 20% of the cost will be borne by the Waste Program.

### **Resolution**

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

CARRIED

## **7 CLIENT SERVICES**

## **8 FINANCIAL & ADMINISTRATIVE SERVICES**

## **9 OPERATIONS**

### **9.1 Works for Queensland Program 2017 - 2019**

#### **Executive Summary**

The Council received advice in September 2017 that its list of proposed projects and funding under the 2017 – 2019 Works for Queensland program had been endorsed by the Minister. All projects are required to be completed by 30 June 2019.

Some of the larger projects in the program have required detailed design and procurement processes to be undertaken which has delayed the commencement of these projects but all are planned to be completed by 30 June 2019 deadline.

In the delivery of the program it has been necessary to make adjustments to the funding to reflect revised project estimates based on detailed designs, costs established through

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procurement processes and the completed costs of some projects. Council approval of the revised project allocations is required to enable approval of the variations to be sought.

### **Recommendation**

That Council approve the revised project funding for the endorsed projects included in its 2017 – 2019 Works for Queensland program as detailed in Appendix B to the report and seek approval for the proposed variations.

### **Resolution**

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

CARRIED

*9:49am – Mr. Shane Great – Manager Planning and Development entered the meeting.*

## **10 TECHNICAL SERVICES**

### **10.1 Adoption of Council's Erection of Structures Over or Adjacent to Sewers or Water Mains Policy**

#### **Executive Summary**

This revised version of Council's Erection of Structures Over or Adjacent to Sewers or Water Mains Policy replaces the previous policy adopted by Council which commenced on 17 January 2012.

The original policy has been superseded with some changes including a reference to the Queensland Development Code MP 1.4 – Building Over or Near Relevant Infrastructure.

#### **Recommendation**

That Council adopts the revised Erection of Structures Over or Adjacent to Sewers or Water Mains Policy as attached.

#### **Resolution**

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

CARRIED

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*Councillor Perry left the meeting prior to discussion of Item 11.1 – Structural Integrity of Visitor Information Centre – Plantation Park, due to Conflict of Interest considerations as disclosed at the start of the meeting.*

## **11 PLANNING & DEVELOPMENT**

### **11.1 Structural Integrity of Visitor Information Centre - Plantation Park**

#### **Executive Summary**

An inspection was carried out on the existing Visitor Information Centre located in Plantation Park for the purposes of determining whether the building would be structurally sound enough to relocate.

#### **Recommendation**

That the report be noted and Council give consideration as to whether it wishes to undertake the repair and relocation of the existing building as the site is required for works associated with the new Mobile Visitor Information Centre Project, which is being funded under the Works for Queensland Program.

#### **Resolution**

Moved Councillor Woods, seconded Councillor Bonanno that, in keeping with the original decision, Council proceeds with the demolition of the existing Visitor Information Centre at Plantation Park.

Moved Councillor Liessmann, seconded Councillor Bonanno that the matter lay on the table to allow for details of the costs to possibly relocate the building to be obtained.

CARRIED

*10:27am – Break for Morning Tea.*

*10:27am - Councillor Goddard, Mr. Dan Mulcahy and Mr. Kevin Byers left the meeting.*

*10:55am – Meeting Resumed*

*10:57am – Councillor Perry returned to the meeting.*

*11:05am – Councillor Goddard returned to the meeting.*

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## **12 COMMUNITY DEVELOPMENT**

## **13 ECONOMIC DEVELOPMENT**

## **14 NOTICES OF MOTION**

## **15 CORRESPONDENCE FOR INFORMATION**

### **15.1 Seeking Assistance from Council for Project – Upgrading the ‘Big Stick’**

It was agreed that Councillor Liessmann would investigate the costs of possibly upgrading the ‘Big Stick’ and the Director Corporate and Community Services make arrangements for staff to have a discussion with Mr Joe Rigano about his request, including its possible relocation to Lloyd Mann Park.

### **15. 2 Request for Council to Submit Priority Projects for Consideration in the Federal Budget**

Councillor McLaughlin distributed a copy to each councillor of the list of Burdekin Shire Council – Priority Projects for Federal Funding which had been forwarded to Bob Katter MP and other federal election candidates.

## **16 GENERAL BUSINESS**

### **16.1 Congratulations - Parks and Gardens**

Councillor Perry passed on her congratulations to the Parks and Gardens staff on the presentation of local parks and their continued maintenance over the Christmas break.

### **16.2 Approved Leave of Absence - Councillor Woods**

Moved Councillor Goddard, seconded Councillor Bonanno that Council approves leave of absence for Councillor Woods from Saturday 26 January 2019 to 31 January 2019.

CARRIED

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### **16.3 Above Ground Vaults – Cemeteries**

Councillor Liessmann asked if any progress had occurred with the Cemeteries – Above Ground Vaults. This matter is to be referred to the Manager Operations to advise.

### **16.4 Acknowledgement - Staff who worked over Christmas Break**

Councillor McLaughlin thanked staff who worked over the Christmas break.

## **17 CLOSED MEETING ITEMS**

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

#### **Resolution**

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

- 275(1)(e) contracts proposed to be made by Council;
- 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
- 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. Quotation Recommendation for QBSC/18/051 - Design, Supply and Installation of a Grid Connect 100kw Solar Power System – Council Chambers and Administration Building
2. Ayr Industrial Estate Future Expansion
3. Development Application – Material Change of Use for Backpacker Accommodation (Tourist Facility) at 88-90 Eleventh Avenue, Home Hill (Lots 3 and 4 on H61669)

#### **CARRIED**

*Councillors McLaughlin and Bonanno left the closed meeting during discussion of Item 17.1 - Quotation Recommendation for QBSC/18/051 - Design, Supply and Installation of a Grid Connect 100kw Solar Power System - Council Chambers and Administration Building, due to Conflict of Interest considerations as disclosed at the start of the meeting.*

*In accordance with Clause 2.3 of Burdekin Shire Council Standing Orders, remaining Councillors chose Councillor Woods to preside in the absence of the Mayor and Deputy Mayor.*

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*Councillor Woods assumed the Chair.*

## **Council Meeting opened to Public**

### **Resolution**

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

CARRIED

## **17.1 Quotation Recommendation for QBSC/18/051 - Design, Supply and Installation of a Grid Connect 100kw Solar Power System - Council Chambers and Administration Building**

### **Executive Summary**

Quotations for QBSC/18/051 – Design, Supply and Installation of a Grid Connect 100kw Solar Power System - Council Chambers and Administration Building closed at 12.00 noon on 19 November 2018. This project is part of the 2017 - 2019 Works for Queensland funding approval.

Quotation documents were forwarded to the three local firms accepted as a Pre-Qualified Supplier of Electrical Trade Services under tender TBSC/16/012.

Two (2) quotations were received and evaluated by Tropical Energy Solutions on price and non-price criteria which resulted in two extremely closely ranked quotations. A recommendation is provided to progress this project.

### **Resolution**

Moved Councillor Liessmann, seconded Councillor Goddard that in respect of QBSC/18/051 – Design, Supply and Installation of a Grid Connect 100kw Solar Power System - Council Chambers and Administration Building, Council accepts the quotation submitted by Laser Electrical Ayr based on the selection criteria and weighting parameters provided in the specification and extend the practical completion date from 30 March 2019 to 3 May 2019.

CARRIED

*Councillors McLaughlin and Bonanno returned to the meeting at this time.*

*Councillor McLaughlin resumed the Chair.*



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## **17.2 Ayr Industrial Estate Future Expansion**

### **Executive Summary**

Council staff have commenced negotiations for the potential purchase of land for the purpose of expanding the Ayr Industrial Estate. To assist with future contractual negotiations, a Heads of Agreement has been drafted as a first step to facilitate this acquisition of land.

### **Resolution**

Moved Councillor Liessmann, seconded Councillor Woods that Council agrees to the terms contained in the draft Heads of Agreement as attached to the report for the purchase of industrial land and delegates authority to the Mayor and Chief Executive Officer to duly execute the agreement.

CARRIED

## **17.3 Development Application - Material Change of Use for Backpacker Accommodation (Tourist Facility) at 88-90 Eleventh Avenue, Home Hill (Lots 3 and 4 on H61669)**

### **Executive Summary**

Council has received a Development Application from Burdekin Building Design Pty Ltd on behalf of their client Burdekin Backpackers, seeking a development permit for Material Change of Use Backpacker Accommodation (Tourist Facility) at 88-90 Eleventh Avenue, Home Hill (Lots 3 and 4 on H61669).

The proposal is for a defined use and triggers a 'Code Assessable' Development Application in accordance with the provisions of 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 Backpacker Accommodation (Tourist Facility) at 88-90 Eleventh Avenue, Home Hill (Lots 3 and 4 on H61669) subject to the following conditions:

### **STAGE ONE**

#### **GENERAL**

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

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- 1.3 The development and conduct of the approved use of the premises 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
BBD1800015	C01 – A(iii)	05/2018
BBD1800015	C02 – A(iii)	05/2018
BBD1800015	C03 – A(ii)	05/2018
BBD1800015	C04 – A(ii)	05/2018
BBD1800015	C05 – A(ii)	05/2018
BBD1800015	C06 – A(ii)	05/2018
BBD1800015	C07 – A(iii)	05/2018
BBD1800015	C08 – A(ii)	05/2018

- 1.4 To ensure the accommodation facility operates strictly in accordance within its intended use, an onsite manager is to reside within the identified manager's residence at 88-90 Eleventh Avenue, Home Hill at all times.
- 1.5 The operator of the Accommodation Facility must keep a Complaints Register on the premises 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 and occupation of the Accommodation Facility; and
  - Any action or response taken by the operator to rectify or reasonably deal with the complaint.

## **BUILDING WORK**

- 2.1 A development permit for Building Works is to be obtained before any triggered building works are carried out on the premises.
- 2.2 Provide evidence that the proposed Dwelling Units have had a classification approval granted under the provisions contained in the *Building Act 1975* and subordinate legislation prior to the commencement of the intended use.

## **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 Parking on site is to be restricted to the manager's and guests' vehicles only.

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- 4.2 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'.
- 4.3 Access to the premises, car parking and manoeuvring areas must be constructed in an all-weather low glare paving, exposed aggregate concrete or similar dust suppressant material to the satisfaction of the Chief Executive Officer.
- 4.4 For accesses in both Tenth Street and Eleventh Avenue, Home Hill
- A grated trench drain is to be installed at the property boundary to catch stormwater before crossing the footpath. The stormwater is to be conveyed to the kerb, under the footpath, in suitable sized heavy duty galvanised steel conduits.
  - The drive crossing is to be reconstructed from the invert of the gutter to the proposed trench drain. Minimum thickness 150mm, 32MPa concrete and SL72 mesh placed centrally.
  - The access fronting Eleventh Avenue is to be six metres wide. The access fronting Tenth Street is to be four metres wide.
  - Both identified access as depicted in drawing number BB 1800015 Issue A (iii) sheet number C01 are to be fully constructed as part of Stage One.
- 4.5 Provide to Council prior to the commencement of works a cross section 1:50 natural scale from the side of Tenth Street and Eleventh Avenue to the property boundary showing existing and design levels for the crossovers in condition 4.4.
- 4.6 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.
- 4.7 Any alterations to on-street parking is to be responsibility of the applicant

## **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'.

## **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.

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- 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 as part of any development permit issued, the developer must, within the timeframes required by the Planning Act 2016 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**

9. A 1.8m high screen fence must be provided along the adjoining property boundaries. The new 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. Prior to commencement of use
- An Approval to Discharge Trade Waste is to be obtained
  - All waste from kitchen sinks must be taken to an approved grease trap prior to discharging to council's reticulated sewer

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## **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 proposed buildings or alterations, which comply with local law requirements, including details of all facilities, 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. The activities subject to this development approval must be conducted in a manner to ensure that no noise deemed unreasonable by an authorised person as per *Environmental Protection Act 1994* and caused by the activity can be detected beyond the boundary of the site to which this development permit relates.

## **WATER AND SEWERAGE INFRASTRUCTURE**

14. Obtain an operational works approval for the relocation of existing sewer infrastructure, structures and services in Stage One prior to commencement of use at no cost to Council. In particular:
  - Relocate affected sewer infrastructure including manholes on Lot 3 H61669 and Lot 4 H61669 to within a minimum of 500mm off the boundary;
  - All works are to be in accordance with Council's adopted policy – 'Erection of Structures Over or Adjacent to Sewers or Water Mains Policy' or as otherwise agreed upon by the Director of Infrastructure, Planning and Environmental Services;
  - All identified works for Stage 1 must be completed prior to occupation;
  - All works are to be carried out by Burdekin Shire Council with the applicant responsible for all costs associated with the works;
  - The applicant is to obtain an approval to Build Over or Near Relevant Infrastructure for both Stages one and two.
15. Any alterations to existing water infrastructure is to be the owner's responsibility and at their full cost.

## **STAGE TWO (additional condition)**

1. Obtain an operational works approval for the relocation of existing sewer infrastructure, structures and services in Stage Two prior to commencement of use at no cost to Council. In particular:
  - Relocate affected sewer infrastructure including manholes on Lot 4 H61669 to within a minimum of 500mm off the boundary;

- All works are to be in accordance with Council's adopted policy – 'Erection of Structures Over or Adjacent to Sewers or Water Mains Policy' or as otherwise agreed upon by the Director of Infrastructure, Planning and Environmental Services;
- All identified works for Stage 2 must be completed prior to occupation.
- All works are to be carried out by Burdekin Shire Council with the applicant responsible for all costs associated with the works;
- The applicant is to obtain an approval to Build Over or Near Relevant Infrastructure for both Stages 1 & 2.

### **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.*
- *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.*
- *A Development Application for building works which include habitable rooms may have to include a 1% AEP Flood Certificate. N.B. this applies in Localised and River Flood areas as identified in Burdekin Shire Councils mapping.*

### **Resolution**

#### **Amendment**

Moved Councillor Perry, seconded Councillor Woods that Council approves the Development Application for a Material Change of Use for a Backpacker Accommodation (Tourist Facility) at 88-90 Eleventh Avenue, Home Hill (Lots 3 and 4 on H61669) subject to Clause 14 in the conditions of approval being amended to read as follows:

#### **WATER AND SEWERAGE INFRASTRUCTURE**

14. The applicant is to obtain an approval to Build over or near relevant infrastructure. Any approval granted must be in accordance with Council Policy – 'Erection of Structures Over or Adjacent to Sewers or Water Mains'.

Or

Obtain an operational works approval for the relocation of existing sewer infrastructure, structures and services in Stage One prior to commencement of use at no cost to Council. In particular:

- Relocate affected sewer infrastructure including manholes on Lot 3 H61669 and Lot 4 H61669 to within a minimum of 500mm off the boundary;

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- All works are to be in accordance with Council's adopted policy – 'Erection of Structures Over or Adjacent to Sewers or Water Mains Policy' or as otherwise agreed upon by the Director of Infrastructure, Planning and Environmental Services;
  - All identified works for Stage 1 must be completed prior to occupation;
  - All works are to be carried out by Burdekin Shire Council with the applicant responsible for all costs associated with the works;
  - The applicant is to obtain an approval to Build Over or Near Relevant Infrastructure.

## Stage 2

1. Obtain an operational works approval for the relocation of existing sewer infrastructure, structures and services in Stage Two prior to commencement of use. The applicant is to be responsible for all costs less a Council contribution of \$13,000.00. In particular:
  - Relocate affected sewer infrastructure including manholes on Lot 3 H61669 and Lot 4 H61669 to within a minimum of 500mm off the boundary;
  - All works are to be in accordance with Council's adopted policy – 'Erection of Structures Over or Adjacent to Sewers or Water Mains Policy' or as otherwise agreed upon by the Director of Infrastructure, Planning and Environmental Services;
  - All identified works for Stage 2 must be completed prior to occupation;
  - All works are to be carried out by Burdekin Shire Council with the applicant responsible for all costs associated with the works less \$13,000.00;
  - The applicant is to obtain an approval to Build Over or Near Relevant Infrastructure.

CARRIED

## Resolution

Moved Councillor Woods, seconded Councillor Liessmann that the Amendment becomes the motion.

CARRIED

## 18 DELEGATIONS

There being no further business the meeting closed at 1:15pm.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 12 February 2019.**

**MAYOR**

