



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 11 February 2014

COMMENCING AT 9:00AM



TUESDAY 11 FEBRUARY 2014

ORDER OF BUSINESS:

ITEM	PRECIS	PAGE
1	PRAYER	3
2	DECLARATIONS OF INTEREST	3
3	MINUTES AND BUSINESS ARISING	3
3.1	Ordinary Council Meeting Minutes - 21 January 2014	3
3.2	Audit Committee Meeting Minutes - 11 December 2013	4
3.3	Burdekin Local Disaster Management Group Meeting Minutes - 17 January 2014	4
4	REPORTS	4
4.1	Capital Projects Monthly Report for Period Ending 31 December 2013	4
4.2	Operating Statement for Period Ending 31 December 2013	5
5	ENVIRONMENT & OPERATIONS	5
5.1	North Queensland Soil Supplies Pty Ltd - Development Application Material Change of Use for an Extractive Industry at 320 Anabran Road, Jarvisfield (Lot 26 on SP205555 Parish of Morrill, County of Gladstone)	5
5.2	Rushel Produce - Material Change of Use for Intensive Agriculture at Glenyarra Station, Inkerman Station Road and Bruce Highway, Wangaratta (lots 306 & 307 on SB137, Lots 311, 312, 314, 315, 316 on SB138, Lots 66 & 313 on SB486)	10
5.3	Humphries Pty Ltd - Material Change of Use for Extractive Industry at 226 Gladys Road, Inkerman (Lot 1 on AP2107 Parish of Upstart, County of Salisbury)	12
6	CORPORATE & COMMUNITY SERVICES	18
6.1	Interest Free Loan Request - Burdekin Junior Rugby League Football Club Inc	18
6.2	RADF Funding - December 2013 Round	19
7	CORRESPONDENCE FOR INFORMATION	21



BURDEKIN SHIRE COUNCIL



8	NOTICES OF MOTION	21
8.1	Trustee Lease - Burdekin Touch Football Association	21
8.2	Naming of Reserve for Park and Recreation R203 - Lot 13 SB750	21
9	URGENT BUSINESS	21
10	GENERAL BUSINESS	21
10.1	Council Approves Providing up to 1,000 Cubic Metres of Fill for Burdekin Rugby League	21
11	CLOSED MEETING ITEMS	22
12	DELEGATIONS	22

ATTENDANCE

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

Mr. K. Holt - Chief Executive Officer
Mr. D.P. Mulcahy - Director Corporate and Community Services
Mr. T.G. Williams - Director Environment and Operations
Mr. S. Great - Manager Planning and Development
Mrs. B. Whitworth - Manager Environment and Health
Mr. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services

Minutes Clerk - Miss S. Cronin

1 PRAYER

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Lewis declared a possible material personal interest in respect of item 5.1 and 5.3 due to a potential business association or conflict.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 21 January 2014

Recommendation

That the minutes of the Ordinary Council Meeting held on 21 January 2014 be received as a true and correct record.

Resolution

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

CARRIED

3.2 Audit Committee Meeting Minutes - 11 December 2013

Recommendation

That the minutes of the Audit Committee Meeting held on 11 December 2013 be received and adopted.

Resolution

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

CARRIED

3.3 Burdekin Local Disaster Management Group Meeting Minutes - 17 January 2014

Recommendation

That the minutes of the Burdekin Local Disaster Management Group Meeting held on 17 January 2014 be received as a true and correct record.

Resolution

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

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 31 December 2013

Recommendation

That the Capital Projects Monthly Report for Period Ending 31 December 2013 be received.

Resolution

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

CARRIED

4.2 Operating Statement for Period Ending 31 December 2013

Recommendation

That the Operating Statement for the Period Ending 31 December 2013 be received.

Resolution

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

CARRIED

5 ENVIRONMENT & OPERATIONS

5.1 North Queensland Soil Supplies Pty Ltd - Development Application Material Change of Use for an Extractive Industry at 320 Anabranh Road, Jarvisfield (Lot 26 on SP205555 Parish of Morrill, County of Gladstone)

Councillor Lewis declared a possible material personal interest in respect of this item due to a potential business association or conflict and left the meeting.

Executive Summary

A Development Application has been received from Milford Planning Consultants on behalf of their client North Queensland Soil Supplies Pty Ltd seeking approval for a Material Change of Use for an Extractive Industry at 320 Anabranh Road, Jarvisfield (Lot 26 on SP205555 Parish of Morrill, 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:

- approve a Development Application for a Development Permit for Material Change of Use for an Extractive Industry (**no greater than 25,000 tonnes per annum**) at 320 Anabranh Road, Jarvisfield (Lot 26 on SP205555 Parish of Morrill, County of Gladstone) subject to the conditions as included in the decision notice

AND

- give a Preliminary Approval (other than a preliminary approval to which section 242 of the Sustainable Planning Act 2009 applies even though the applicant is seeking a development permit) for Material Change of Use for Extractive Industry (**greater than 25,000 tonnes per annum but not exceeding 100,000 tonnes per annum**) at 320 Anabranh Road, Jarvisfield (Lot 26 on SP205555 Parish of Morrill, County of Gladstone) subject to the

conditions as included in the decision notice and in accordance with the requirements of development for the site in accordance with the Planning Scheme.

Preliminary Approval for Material Change of Use for Extractive Industry (extraction rates greater than 25,000 tonnes per annum but not exceeding 100,000 tonnes per annum.)

1. Approved Plans

- (a) Development that is extraction rates above 25,000t per annum and no greater than 100,000, must be generally in accordance with the drawings/documents identified in the Table below to be considered in accordance with this Preliminary Approval

DOCUMENT	NUMBER/ID	PREPARED BY:	DATE
Locality Plan	SK1	Wolter Rowlands	14 March, 2013
Site Plan	SK3	Wolter Rowlands	23 May 2013

- (b) Additionally, to be considered in accordance with this Preliminary Approval any development that greater than 25,000t per annum must comply with all Planning Scheme requirements relevant to the site at the time.

2. Before extraction rates are allowed to exceed 25,000 tonnes per annum, a fluvial geomorphology report will need to be submitted to the Chief Executive Officer for consideration and assessment and must include the following:

- A description of the current status and geomorphic history of the Burdekin River floodplain in the vicinity of the proposed sand extraction site;
- A description of the current geomorphic status of the river channel adjacent to the alluvial floodplain in the vicinity of the proposed extraction site;
- Assessment of the likely impact of the proposed extraction operations on the stability of the floodplain and river channel; and
- Suggestions how the fluvial geomorphology of the Burdekin River channel and floodplain could be monitored.

3. Before extraction rates are allowed to exceed 25,000 tonnes per year, a traffic management plan will need to be submitted to the Chief Executive Officer for assessment and include the following:

- details on anticipated additional traffic movements to and from the site; and
- impacts of additional traffic on all affected roads (e.g. Anabranh Road)

Material Change of Use - Development Permit Conditions (up to 25,000 tonnes per year)

1.Approved Plans

- (a) The proposed development must be completed and maintained generally in accordance with the drawings/documents identified in the Table below, except as otherwise specified by any condition of this approval.

DOCUMENT	NUMBER/ID	PREPARED BY:	DATE	
Locality Plan	SK1	Wolter Rowlands	14 March, 2013	
Site Plan	SK3	Wolter Rowlands	23 May 2013	

- (b) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail.
- (c) The proposed development must comply with all Planning Scheme requirements as applying at the date of this approval, except as otherwise specified by any condition.

2.Compliance with conditions

The proposed development must comply with all conditions of this development permit prior to the commencement of the use.

3.Outstanding charges

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.

4.Notice of Intention to commence the use

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.

5.Damage

Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.

6.Access

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.

7.Road Traffic Impact – Maintenance

The applicant shall pay to Council (on an annual basis) the amount of 31 cents/tonne for on-going road maintenance on affected Council maintained roads for the life of the extraction operations. Once evidence of extraction rates is received by Council via the required annual report, the amount payable will be calculated and the developer provided with a tax invoice for payment.

8.Annual Report

- (a) An accurate annual report must be provided to Council detailing the exact amount of materials which were extracted from the site for the previous year (the Annual Report).
- (b) An annual survey must be completed to ensure that the volumes of soil and extent of extraction, is not exceeded. The survey must be undertaken by a person having suitable qualifications to undertake survey works and to an accuracy to determine maximum volumes are not exceeded.
- (c) Records must be made and maintained of all loads of soil removed from the site. Records must include volumes of soil and dates of removal. Records must be kept for a period of at least five years and be available to an officer from Burdekin Shire Council, or authorised officer upon request.

9.Limitation on use

- (a) The Extractive Industry use is limited to a maximum extraction rate of 25,000 cubic metres of material to be removed from the site annually.
- (b) The operation must be confined within the boundaries of the proposed extraction area as demonstrated on the Site Plan submitted (Dwg No:SK3).
- (c) No excavation below 3m AHD will be allowed.

There must be no additional disturbance including extraction, construction of roads or access tracks or tree clearing outside the approved extraction area except as allowed for in the conditions of this approval.

10.Extraction method

The approved extraction amount must be by mechanical means only. There must be no blasting carried out in the operation of the use.

11.Quarry Management Plan and Rehabilitation Plan

The developer must submit to Council for approval a final Quarry Management Plan, inclusive of a:

- Quarry Rehabilitation Plan; and
- Environmental Management Plan.

The use must be carried out in accordance with those documents once approved by the Chief Executive Officer.

12. Transportation of sand

There must be no release of soil, sand, mud or other contaminants to roads as a result of the transportation of materials from the site to which this approval relates. All material transported from the site must be covered to prevent dust and spillage during transport.

13. Hours of Operation

The use may operate only between the hours of 6.00a.m. to 6.00p.m. Monday to Friday and 6.00a.m. to 2.00p.m. Saturday. There must be no operation on Sundays or public holidays. Extraction operations will not be allowed between the months of December-March unless otherwise approved by the Chief Executive Officer.

14. Operational Works

Where Operational Works are required to be carried out, the developer must, within the timeframe required by the Sustainable Planning Act 2009 and prior to the commencement of any work, lodge with Council an application for a development permit for Operational Works, As part of such application, the developer must submit:-

- (a) Detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is a current Registered Professional Engineer of Queensland; and
- (b) Certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;

Assessment Manager's Advice

1.Intensification of the use

Any proposal to increase the extraction rate of the site to greater than 25,000 tonnes per annum will require a further Material Change of Use application to Council.

2.Local Laws

The approved development must also comply with Council's current Local Laws under the Local Government Act 2000.

3. Road upgrade

No call shall be made on Council to further construct, upgrade or maintain Butler Road.

Resolution

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

FOR: Councillor Lowis

AGAINST: Councillors McCathie, Loizou, Liessmann, Bawden and Dalle Cort

LOST 1/5

Moved Councillor McCathie, seconded Councillor Liessmann that the Development Application by North Queensland for Material Change of Use for an Extractive Industry at 320 Anabranh Road, Jarvisfield (Lot 26 on SP205555), be refused on the following grounds:

- History of inundation;
- Assets at risk; and
- High risk of erosion

CARRIED

Councillor Lewis returned to the meeting.

5.2 Rushel Produce - Material Change of Use for Intensive Agriculture at Glenyarra Station, Inkerman Station Road and Bruce Highway, Wangaratta (lots 306 & 307 on SB137, Lots 311, 312, 314, 315, 316 on SB138, Lots 66 & 313 on SB486)

Executive Summary

An application has been received from Rushel Produce, seeking approval for a Material Change of Use for Intensive Agriculture at Glenyarra Station, Inkerman Station Road and Bruce Highway, Wangaratta Lots 306 & 307 on SB137, Lots 311, 312, 314, 315, 316 on SB138, Lots 66 & 313 on SB486 Parish of Inkerman, County of Salisbury. A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme.

Recommendation

That Council approves the Development Application for a Material Change of Use for Intensive Agriculture at Glenyarra Station, Inkerman Station Road and Bruce Highway, Wangaratta Lots 306 & 307 on SB137, Lots 311, 312, 314, 315, 316 on SB138, Lots 66 & 313 on SB486 Parish of Inkerman, County of Salisbury. subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted by "FSA Consulting" except where modified by the conditions of this Development Permit and any approval issued there under.

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.

ROADWORKS

4. 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.

ENVIRONMENT AND HEALTH

- 5.1 A suitable buffer of a minimum distance of 40m must be maintained between intensive agricultural activities subject to this application and the boundary of adjoining properties. Activities including the growing of sugar cane, or the construction of drains, vehicle access or haulout routes must not be undertaken within the buffer.
- 5.2 No intensive agricultural activities including any associated constructed drainage, vehicle access or haulout routes must be conducted within 100m from the high bank of the wetland or watercourses with a mapped stream order of 5, or within 50m of watercourses with stream order 3 or 4, or within 25m of watercourses with stream order 1 or 2.
- 5.3 Riparian vegetation along waterways and shown as buffers on drawing *Proposed Intensive agriculture development stream order overlay* (Figure 15) must be retained and rehabilitated as required. Native plants of local provenance are recommended for any rehabilitation works required.

-
- 5.4 Intensive agricultural activities must be conducted in a manner so that any runoff to surface waters meet Qld water quality guidelines to provide for a slightly to moderately disturbed ecosystem level of protection.
 - 5.5 Intensive agriculture activities must not cause a nuisance from the discharge of smoke, dust, fumes, noise or other emission at any time.
 - 5.6 Waste, including plastic mulch must not be buried or burnt on the site to which this development permit relates at any time.

Resolution

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

CARRIED

5.3 Humphries Pty Ltd - Material Change of Use for Extractive Industry at 226 Gladys Road, Inkerman (Lot 1 on AP2107 Parish of Upstart, County of Salisbury)

Councillor Lewis declared a possible material personal interest in respect of this item due to a potential business association or conflict and left the meeting.

Executive Summary

Council has received a combined Development Application for a Material Change of Use for an 'Extractive Industry' (Sand Extraction) and Environmentally Relevant Activity ERA 16(2)(b) and 16(3)(a) and Operational Works for clearing Native Vegetation at 226 Gladys Road, Inkerman (part of Lot 1 on AP2107 Parish of Upstart County of Salisbury).

The application sought approval for an extraction rate of up to 100,000 tonnes per annum. Access to the site was proposed from Gladys Road, Wallace Road and the Bruce Highway, with sand being delivered to the applicant's own sand business in Proserpine. It is noted that Arthur Spotswood Road is the connector between Gladys Road and Wallace Road. Wallace Road is bitumened, the remainder of the proposed access is not.

The proposal is defined as an 'Extractive Industry' and triggers the impact assessment process in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (the scheme). The proposal is intended to be located on land zoned Rural and will be assessed against the scheme in its entirety. Particularly relevant sections of the scheme will include the Desired Environmental Outcomes (DEO's), the Rural Zone code and the Extractive Industry code. The proposal is surrounded by Rural uses, however there is a significant buffer between the extraction site proposed within Lot 1 and any boundary with adjoining lands. The application was publically advertised and five (5) submissions were received. All submissions objected to the proposal on similar issues of traffic on the haul route and its impacts. Coastal flooding and environmental grounds were also raised.

The application was referred to the Department of Environment and Heritage Protection and the Department of Transport and Main Roads as concurrence agencies and to the Department of Agriculture, Fisheries and Forestry as an advice agency.

DEHP, DTMR and Council all sought additional information on the proposal, which was provided. Referral Agency responses will be included in the decision notice from all three Departments. There was a substantial extension of the referral agency response period agreed by the applicant with DEHP, until after State Planning Policy 01/13 - Planning for Prosperity was gazetted. DEHP have approved the application, subject to conditions. Most relevantly, DEHP have restricted the annual extraction rate to 25,000 tonnes per year.

The proposal is not an inconsistent use in the Rural Zone. The proposal has demonstrated general compliance with the provisions of the Rural Zone code and the Extractive Industry code, or can be condition to comply.

Conditions can be imposed to deal with access and amenity concerns.

Recommendation

That Council approves the Development Application for a Material Change of Use for an Extractive Industry (sand extraction) and Environmentally Relevant Activity ERA 16(2)(b) and 16(3)(a) and Operational Works for clearing Native Vegetation at 226 Gladys Road, Inkerman (Part of Lot 1 on AP2107 Parish of Upstart, County of Salisbury) on the following basis:

- (a) a Development Permit be issued for an Extractive Industry subject to the following conditions:

Approved Plans

1. (a) The proposed development must be completed and maintained generally in accordance with the drawings/documents identified in the Table below, except as otherwise specified by any condition of this approval.

DOCUMENT	NUMBER/ID	PREPARED BY	DATE
Sand Extraction Area Plan (Operational Area)	Sourced from Draft Quarry Management Plan	DERM Forest Products	26/07/2011
Detail and Level Survey	Drawing 14023SO1	WSG	21/07/12
Sequence of Clearing and Extraction Operations	Figure 2.3 Proposed operating Sequence --Part of Drawing 14023SO1	WSG	21/07/12
Draft Quarry Management Plan		Earth Environmental	September 2012
Draft Property vegetation Management Plan		Earth Environmental	September 2012

-
- (b) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written conditions(s) will prevail.
 - (c) The proposed development must comply with all Planning Scheme requirements as applying at the date of this approval, except as otherwise specified by any condition.

Compliance with Conditions

- 2. The proposed development must comply with all conditions of this development permit prior to the commencement of the use.

Limitation on Use

- 3. (a) The Extractive Industry use is limited to a maximum extraction rate of 25,000 tonnes of material to be removed from the site annually.
- (b) The operation must be confined within the boundaries of the authorised operating area delineated on the Sand Extraction Area Plan (operational Area) and in general accordance with the specifications shown on supporting material lodged and in particular the sand extraction area identified in the Draft Quarry Management Plan (ie Attachment 1: Plans and Specifications - plans b) and c). There must be no additional disturbance including extraction, construction of roads or access tracks or tree clearing outside the approved extraction area except as allowed for in the conditions of this approval.

Annual Report

- 4. (a) An annual survey must be completed to ensure that the volumes of soil and extent of extraction, is not exceeded. The survey must be undertaken by a person having suitable qualifications to undertake survey works and to an accuracy to determine maximum volumes are not exceeded.
- (b) An accurate annual report must be provided to Council detailing the exact amount of sand materials which were extracted from the site for the previous year (the Annual Report). This report must be endorsed/signed by the Department of Environment and Resource Management and be strictly in accordance with the issued quarry allocation permit.
- (c) Records must be made and maintained of all loads of soil removed from the site. Records must include volumes of soil and dates of removal. Records must be kept for a period of at least five years and be available to an officer from Burdekin Shire Council, or authorised officer upon request.

Extraction Method

5. The approved extraction amount must be by mechanical means only. There must be no blasting carried out in the operation of the use.

Access and Road Upgrades

6. (a) The approved local government road haul route is Gladys Road, Arthur Spotswood Road, Wallace Road to the Bruce Highway(south), unless otherwise approved in writing by the Council at its absolute discretion and subject to the below minimum standard requirements.
- (b) From the Southern boundary of Lot 531 SP142564 to the point where Gladys Road commences (the access track), the developer must upgrade the existing access to the proposed extraction site to a minimum gravel standard (depth of 200mm, type 2.4 gravel). The access track must be 4.8 metres in width with 1 metre graded shoulders.
- (c) No part of the access is to be outside the existing road reserve boundaries. The road is to be re-positioned (where necessary) to be entirely aligned within the existing road reserve.
- (d) The developer must prepare and submit detail road design plans, with its 'Operational Works' application for the road upgrade. Those plans must identify:
 - a. The surveyed location of the new access track or any re-positioning of the existing access track;
 - b. Any native vegetation required to be cleared as a result of the access track; and
 - c. Drainage works proposed (culverts/crossovers) for the maintenance and continued operation of existing drainage lines.
- (e) The developer must submit with the Operational Works application a draft road management plan, identifying for approval the developers management and maintenance program for the upkeep of the access track during the life of the extractive industry. Once approved, the developer must comply with the road management plan during the life of the extractive industry use.
- (f) All works and costs associated with approval, development and maintenance of the access track will be the developers responsibility until the use ceases or Council notifies otherwise in writing.

Road Traffic Impact - Maintenance

7. The applicant shall pay to Council (on an annual basis) the amount of 31 cents/tonne for on-going road maintenance on affected Council maintained roads for the life of the extraction operations. Once evidence of extraction rates is received by Council via the required Annual Report, the amount payable will be calculated and the developer provided with a tax invoice for payment.

Transportation of Sand

8. There must be no release of soil, sand, mud or other contaminants to roads as a result of the transportation of materials from the site to which this approval relates. All material transported from the site must be covered to prevent dust and spillage during transport.

Quarry Management Plan and Rehabilitation Plan

9. The developer must submit to Council the final Quarry Management Plan, inclusive of a:
 - Quarry Rehabilitation Plan; and
 - Environmental Management Plan.

The use must be carried out in accordance with those documents at all times.

Hours of Operation

10. The use may operate only between the hours of 6.00a.m. to 6.00p.m. Monday to Friday and 6.00a.m. to 2.00p.m. Saturday. There must be no operation on Sundays or public holidays.

Extraction operations will not be allowed between the months of December – March unless otherwise approved by the Chief Executive Officer.

Outstanding Charges

11. 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 propose use.

Notice of Intention to Commence the Use

12. 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.

Damage

13. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.

Operational Works

14. Where operational works are required to be carried out, the developer must, within the timeframe required by the Sustainable Planning Act 2009 and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-
- (b) 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
 - (c) 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;

As-constructed Plans

15. The developer shall provide Council with a complete set of as-constructed plans and an electronic copy which is to be compatible to Council's system at the relevant time, for all works. Such plans are to be certified by an R.P.E.Q.

Advice Condition

- No call shall be made on Council to construct, upgrade or maintain Gladys Road.
- Council may consider the erection of a sign at the entrance of the access track notifying the public that no further public facilities are accessible from the access track onwards.

Resolution

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

CARRIED

Councillor Lewis returned to the meeting.

6 CORPORATE & COMMUNITY SERVICES

6.1 Interest Free Loan Request - Burdekin Junior Rugby League Football Club Inc

Executive Summary

Burdekin Junior Rugby League Football Club Inc has requested an interest free loan of \$14,990 to purchase a mower. The club will host the inaugural “Shane Muspratt Challenge” – a new competition for Under 12’s on 5 and 6 April 2014. The initiative will bring 20 Under 12 junior rugby league teams to the Burdekin including teams from Mt Isa and Normanton. Conducting the carnival will incur considerable cost. Payment for the new mower would place a financial burden on the club in the lead-up to the carnival. To ensure that the club is able to absorb all costs associated with the running of the carnival, as well as normal day to day expenses, the club has requested an interest free loan over a two year period, with two equal repayments to be made on 31 December 2014 and 2015.

Recommendation

That Council approves an interest free loan of \$14,990 (no GST applicable) to the Burdekin Junior Rugby League Football Club Inc, subject to the following conditions:

1. Repayments to be made at the annual amount of \$7,495 for two (2) years;
2. Should there be any default in repayment of the financial assistance, interest may be charged at the rate of 15% per annum;
3. The applicant shall keep, repair and maintain the said plant in good repair and condition;
4. That if any monies that are due and payable to the Council are in default, the applicant shall forthwith deliver the item of plant to the Council for any action that it deems fit, including the sale thereof. If the sale proceeds are greater than the monies due and payable to the Council, together with the costs associated with the sale, the amount of surplus will be returned to the applicant;
5. The applicant shall indemnify and agree to keep indemnified the Council against any claim arising out of or in any way connected with this transaction from the date of provision of revenue financial assistance, or any activity associated with the use of the item of plant (all referred to as “the indemnified acts or omissions”) save to the extent that the claim arises as a result of any negligent act or omission of the parties, however, any negligent act or omission of one of the parties does not negate the indemnity to the other parties. The applicant shall release and discharge the Council from any claim relating to the indemnified acts or omissions;

-
6. The applicant shall during the term of this agreement until such time as all monies due and payable to the Council have been received by the Council, insure and keep insured in some public insurance office, the item of plant against loss or damage by fire, storm, tempest and theft to its full insurable value and will cause all monies received by virtue of such insurance to be forthwith laid out in re-instating the said item of plant so destroyed or damaged as aforesaid.
 7. The applicant must have in place a public risk policy of insurance in the amount of \$10,000,000 (\$10 million) in respect of any liability at law, for any loss of or damage to any property or for the injury (including death) to any person arising out of anything done or omitted in respect of the use of the item of plant; and against any claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof.
 8. The Council shall have the right from time to time personally or by their duly authorised agent or agents to enter upon land occupied by the applicant and all reasonable times to view and examine the condition of the item of plant and may give to the applicant not less than 48 hours notice in writing, specifying any repairs necessary to be done and requiring the applicant forthwith to execute the same and if the applicant shall not proceed diligently with the execution of such repairs, the Council may after the expiration of the period of notice enter upon the said land and execute such repairs and the costs thereof shall be a debt due from the applicant to the Council and be forthwith recoverable by action.

Resolution

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

CARRIED

6.2 RADF Funding - December 2013 Round

Executive Summary

On 21 January 2014, Burdekin RADF Committee met to consider applications received in the last round. The committee's recommendations in relation to funding of these projects are listed below.

Recommendation

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

Applicant	Project	Letter No	Requested Funding	Recommended Funding
	Out of Round Applications			
Lower Burdekin Historical Society	Purchase and installation of gallery hanging system for relocation of Burdekin Shire history images	1295300	\$2,000	\$2,000
Loris Bradley	Producing first solo exhibition and conducting art workshop in local gallery	1305220	\$360	\$360
	December Applications			
Burdekin Art Society Inc	Two day watercolour mixed media seminar	1316015	\$1,650	\$1,650
Burdekin Patchwork and Quilters Guild Inc	Two day workshop in freeform machine embroidery	1310021	\$740	\$740
Burdekin Singers and Theatre Company	Appointment of professional lighting engineer for production of "Jesus Christ Superstar"	1313395	\$9,500	\$8,500
QPCYWA – Burdekin Branch	Towards costs of "Coming Together Totem Project"	1314311	\$2,030	\$2,030
Totals			\$16,280	\$15,280

Resolution

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

CARRIED

7 CORRESPONDENCE FOR INFORMATION

8 NOTICES OF MOTION

8.1 Trustee Lease - Burdekin Touch Football Association

Recommendation

That Council enters into a new trustee lease with the Burdekin Touch Football Association for a period of 10 years over an increased area of land that now includes "Field 5" which was previously approved by Council on 26 March 2013.

Resolution

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

CARRIED

8.2 Naming of Reserve for Park and Recreation R203 - Lot 13 SB750

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that the unnamed park located at 17 Twelfth A Avenue, Home Hill (Lot 13 SB750) be officially named "Lloyd Frew Memorial Park" in memory of Mr. Lloyd Frew, who voluntarily established and maintained the park for a period of 12 years from 1985.

CARRIED

9 URGENT BUSINESS

10 GENERAL BUSINESS

10.1 Council Approves Providing up to 1,000 Cubic Metres of Fill for Burdekin Rugby League

Resolution

Moved Councillor Liessmann, seconded Councillor Loizou that Council approves carting of up to 1,000 cubic metres of fill to the Burdekin Rugby League grounds, the fill is to be supplied from current roadworks jobs.

CARRIED

11 CLOSED MEETING ITEMS

12 DELEGATIONS

10.30am - Representatives from the Canegrower organisations attended the meeting to discuss the general rating policy.

There being no further business the meeting closed at 12.40pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 25 February 2014.

MAYOR