



BURDEKIN SHIRE COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

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

on 13 October 2015

COMMENCING AT 9:00AM

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



TUESDAY 13 OCTOBER 2015

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1 PRAYER

2 DECLARATIONS OF INTEREST

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 22 September 2015

Recommendation

That the minutes of the Ordinary Council Meeting held on 22 September 2015 be received as a true and correct record.



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 22 September 2015

COMMENCING AT 9:00AM



TUESDAY 22 SEPTEMBER 2015

ORDER OF BUSINESS:

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Ordinary Council Meeting 22 September 2015



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ATTENDANCE

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

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

Minutes Clerk – Miss S. Cronin

Apologies: Councillors W.C. Lowis (Mayor) – International River Symposium 2015, U.E. Liessmann

1 PRAYER

The meeting prayer was delivered by Father Ian Ness of the Uniting Church.

2 DECLARATIONS OF INTEREST

The Deputy Mayor called for declarations of interest.

Councillor Lewis declared a material personal interest in respect of item 10.1 as the applicant is a potential customer of his business, Burdekin Transport Company.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 8 September 2015

Recommendation

That the minutes of the Ordinary Council Meeting held on 8 September 2015 be received as a true and correct record.

Resolution

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

CARRIED

3.2 Minutes - Burdekin Road Safety Advisory Committee Meeting - 26 August 2015

Recommendation

That the minutes of the Burdekin Road Safety Advisory Committee Meeting held on 26 August 2015 be received and adopted.

Resolution

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

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 31 August 2015

Recommendation

That the Capital Projects Monthly Report for Period Ending 31 August 2015 be received.

Resolution

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

CARRIED

4.2 Operating Statement for Period Ending 31 August 2015

Recommendation

That the Operating Statement for the Period Ending 31 August 2015 be received.

Resolution

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

CARRIED

5 GOVERNANCE & LOCAL LAWS

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

9.1 External Asset Valuation Report 2014-2015

Executive Summary

The BSC Fair Value Report provided by AssetVal Pty Ltd summarises the final valuations of the relevant assets valued externally. A number of amendments have been applied to the final report for inclusion in the annual financial statement.

Recommendation

That Council adopts AssetVal's fair value report dated 21 July 2015 and the amendments detailed in the Council report on External valuation of assets.

Resolution

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

CARRIED

9.2 Position Paper - Infrastructure Residual Values

Executive Summary

Based on the Accounting Board's interpretation of residuals, Council officers have prepared a position paper identifying proposed amendments to standard lives and componentisation of road and drainage assets to reflect actual consumption of the asset in accordance with AASB 116 without allowance for residuals.

Residual values will remain for motor vehicles, plant and equipment and reflect the anticipated consideration receivable for an asset sold at the end of its useful life.

Recommendation

That Council adopts the proposed amendments to road and drainage asset lives and residuals in accordance with "Position Paper – Infrastructure Residual Values".

Resolution

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

CARRIED

9.3 Internal Asset Valuation Report 2014-2015

Executive Summary

The Internal Asset Valuation Report 2014-2015 documents the process employed by Council officers to determine the annual depreciation expense and the fair value of Council's non-current assets at 30 June 2015 in accordance with the requirements of the relevant accounting standards and reporting requirements.

Recommendation

That Council adopts the "Internal Asset Valuation Report 2014-2015".

Resolution

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

CARRIED

9.4 Naming Extension of Wickham Street

Executive Summary

As lots surrounded by Plantation Park have changed ownership and a dwelling is being erected, the current unnamed road requires naming.

Recommendation

Council resolves to name the gravel extension of Wickham Street, from Kennedy Street to the southern boundary of lot 57 GS516, as Wickham Street.

Resolution

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

CARRIED

9.5 Nominations Called for the Chair

Resolution

Moved Councillor McCathie, seconded Councillor Loizou that Councillor Dalle Cort be nominated to Chair the meeting in the absence of Councillor Lewis due to his material personal conflict of interest in respect of item 10.1.

CARRIED

10 PLANNING & DEVELOPMENT

10.1 Seymour Whyte Construction Pty Ltd - Material Change of Use for Extractive Industry (Borrow Pit) at 26860 & 26756 Bruce Highway, Wunjunga (Lots 2 & 3 on RP720585, Parish of Inkerman, County of Salisbury)

Councillor Lewis declared a material personal interest in respect of this item and left the meeting.

Executive Summary

An application has been received from Brazier Motti on behalf of their clients Seymour Whyte Constructions Pty Ltd, seeking approval for a Material Change of Use an Extractive Industry at 26860 & 26756 Bruce Highway, Wunjunga (Lots 2 & 3 on RP720585, Parish of Inkerman, County of Salisbury). 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 for a Material Change of Use for an Extractive Industry at 26860 & 26756 Bruce Highway, Wunjunga (Lots 2 & 3 on RP720585, Parish of Inkerman, County of Salisbury) subject to the following conditions:

Approved Plans

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

DOCUMENT	REFERENCE/Doc No	DATE
Site Plan	40846/001A	10 th July, 2015
Environmental Management Plan (Planning)	60332248-REP-002	29 th January, 2015
Review of Environmental Factors – Detailed Design	60332248-REP-003	5 th February, 2015

- (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.

Compliance with conditions

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

Outstanding charges

- 3. 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.

Notice of Intention to commence the use

- 4. 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

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

Access

- 6. 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.

Operational Works

- 7. Where operational works are required to be carried out for the proposed extractive industry, the developer must, within the timeframe required by the Sustainable Planning Act 2009 and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-
 - (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the

Professional Engineer's Act 2002 and is current Registered Professional Engineer of Queensland; and

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

Extraction method

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

Rehabilitation Plan

9. The applicant is to demonstrate how the extraction site will be rehabilitated. Details of rehabilitation strategies including finished landform levels, clean-up works and revegetation actions must be submitted to the Chief Executed Officer of the Burdekin Shire Council prior to the commencement of the construction works.

Limitation on use

10. The operation must be confined within the identified area of the proposed extraction area as demonstrated on the Site Plan submitted (40846/001A).
No excavation below 3m AHD will be allowed.

Erosion sediment control plan

11. The applicant is to lodge with the Chief Executed Officer of the Burdekin Shire Council an Erosion and Sediment Control plan prior to the commencement of the construction of works.

Resolution

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

CARRIED

Councillor Lewis returned to the meeting.

11 COMMUNITY DEVELOPMENT

12 ECONOMIC DEVELOPMENT

13 GENERAL BUSINESS

13.1 Introduction of Level One Water Restrictions

Resolution

Moved Councillor Loizou, seconded Councillor Dalle Cort that Council introduces Level 1 Water Restrictions in accordance with the 2009 Drought Management Plan, effective 1 October 2015.

CARRIED

13.2 Revision of 2009 Drought Management Plan

Resolution

Moved Councillor Bawden, seconded Councillor McCathie that Council reviews and updates the 2009 Drought Management Plan including the trigger levels and restriction details.

CARRIED

14 CORRESPONDENCE FOR INFORMATION

15 NOTICES OF MOTION

16 URGENT BUSINESS

17 CLOSED MEETING ITEMS

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

Resolution

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

275(1)(f) Starting or defending legal proceedings involving the local government.

For the purpose of discussing Birriah People Native Title Claim.

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

17.1 Birriah People Native Title

Resolution

Moved Councillor Dalle Cort, seconded Councillor McCathie that having considered the draft s87A agreement and determination orders tabled at the Council's ordinary meeting on 22 September 2015, the Council:

- approves, and is prepared to consent to the draft determination orders for QUD6224/1998 (Birriah People);
- authorises the Chief Executive Officer to endorse on its behalf any incidental changes made to the draft determination prior to execution; and
- authorises Gilkerson Legal to execute an agreement under section 87A of the Native Title Act 1993 confirming Council's consent to the draft determination orders.

CARRIED

17.2 Burdekin Art Society - Ten Year Lease

Resolution

Moved Councillor Dalle Cort, seconded Councillor McCathie that Council agrees to enter into a Trustee Lease with the Burdekin Art Society Incorporated for a period of ten years over part of Lot 91 on Plan GS980, Parish of Antill (being the former Junior Soccer Clubhouse) under the standard lease terms and conditions.

CARRIED

18 DELEGATIONS

10.30am Presentation by Colin Stuckley, Chief Executive Officer and Managing Director of Renewable Oil Corporation on Mini Biofuels Plant and Council involvement.

There being no further business the meeting closed at 1.15pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 13 October 2015.

MAYOR

4 REPORTS

5 GOVERNANCE & LOCAL LAWS

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

10 PLANNING & DEVELOPMENT

10.1 NRGIZE Fitness Material Change of Use for Sport, Recreation and Entertainment Centre (Fitness Centre and shop) at 119-121 Edwards Street, Ayr (Lot 21 on A2652 Parish of Antill, County of Gladstone)

Document Information

Referring Letter No: 1451424

File No: 226 (Cons15/0016)

Name of Applicant: NRGIZE Fitness (Andrea Pianto)

Location: 119-121 Edwards Street, Ayr (Lot 21 on A2652 Parish of Antill, County of Gladstone)

Author and Title: S Great - Manager Planning and Development

Executive Summary

An application has been received from NRGIZE Fitness, seeking approval for a Sport, Recreation and Entertainment Centre (Health and Fitness Centre) at 119 -121 Edwards Street, Ayr (Lot 21 on A2652 Parish of Antill, County of Gladstone)

A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme.

Recommendation

That Council approves the Development Application for a Material Change of Use for a Sport, Recreation and Entertainment Centre (Health and Fitness Centre) at 119 -121 Edwards Street, Ayr (Lot 21 on A2652 parish of Antill, County of Gladstone) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 All rates and charges (including regulated infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.
- 1.3 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting material included in the application and approved plans listed below submitted with the application; except where modified by the conditions of this Development Permit and any approval issued there under.

BUILDING WORK

2. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

NOTICE OF INTENTION TO COMMENCE THE USE

3. Prior to the commencement of the use on the site, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.

AMENITY

4. Any night and outdoor lighting must be designed, conducted and operated in accordance with 'AS 4282 – Control of the obtrusive effects of outdoor lighting'. Lighting for the car park is not to cause a nuisance to any persons.

PUBLIC UTILITY SERVICES

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

ACCESS AND CARPARKING

6. Any construction or modification of any crossovers to give access to the development is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

DRAINAGE

- 7.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- 7.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

ENVIRONMENT AND HEALTH

- 8.1 An enclosed area of suitable size shall be provided to store the number of bins required to service this site. The area shall be of adequate size for the storage of all bins and have a floor which is raised and imperviously paved.
- 8.2 There must be no release of waste water from the washing of waste bins to stormwater, to the ground or to any roadside gutter.
- 8.3 The use of the development must not cause an unreasonable nuisance to the surrounding area.

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

Background Information

An IDAS Development Application has been received from NRGIZE Fitness seeking permission to conduct a Health and Fitness Centre. The subject land is zoned 'Retail & Commercial' under the provisions of Council's IPA Planning Scheme. The proposed use of a 'Health and Fitness Centre' triggers assessable development and is consistent with similar activities that have gained the appropriate approvals for Sport, Recreation and Entertainment Centre. The level of assessment is 'Impact Assessable'.

The Application:

The proposed development is to be carried out on land situated at 119 -121 Edwards Street, Ayr. The subject land has a 50m frontage to Edwards Street and a 40m frontage to Munro Street, Ayr. Vehicular access to the property is via Munro Street. Currently the land contains three buildings that are currently being used for various uses. These include a mechanic workshop, vacant shop and storage shed. The first stage of the proposed Health and Fitness Centre will occupy the front portion of the building facing Munro Street. The second stage of the proposed development will involve half of the building on the corner of Munro and Edwards Street being used for an office/reception area and small gym.

The application has been assessed against the relevant provisions of the scheme and was triggered as assessable development under Table 3 – Assessment Categories and relevant assessment criteria for Retail and Commercial Zone - making a Material Change of Use. The defined use is best described as a 'Sport, Recreation and Entertainment Centre' (Health and Fitness Centre) '

The applicant has indicated that in addition to herself, there will 4 part time employees from the commencement of the use. If the business grows there may be an opportunity to employ an administration person and more casual fitness trainers. The operator of the business is hopeful to have approximately 100 clients, the maximum class size for each session is 25 participants.

Given that the Development Application was triggered as 'Impact Assessable', public notification was required. The application was advertised in the Burdekin Advocate on Wednesday 2nd September, 2015 and at the closing date for submissions on Wednesday 23rd September, 2015, no properly made submissions were received.

Site Description/Surrounding Land Uses:

The subject site is located on the corner of Munro and Edwards Street, Ayr. The entire site covers an area of 2023m². The proposed fitness centre will operate out of the front half of the existing building located on the south western boundary of the subject site. The surrounding land uses are predominately retail and commercial with Coles Supermarket, a Service Station and several mixed use business located in close proximity. There is some residential dwellings and units to the south of the site as you move away from Edwards street. It is considered that sufficient side and centre on-street parking exists within the locality of the proposal.

Conclusion:

Council's Development Assessment Team members have assessed the application and included reasonable and relevant conditions as part of the recommended approval. These conditions have been included to ensure any possible negative impacts on amenity are minimised. Given that the proposal complies with the provisions contained in Council's IPA Planning Scheme, it is recommended that Council approves the application subject to the abovementioned conditions.

Link to Corporate/Operational Plan

N/A

Consultation

The application was advertised in the Burdekin Advocate on Wednesday 2nd September, 2015 and at the closing date for submissions on Wednesday 23rd September, 2015, no properly made submissions were received. All relative Council departments have been consulted, there was no external consultation required for this application.

Legal Authority or Implications

N/A

Policy Implications

N/A

Financial and Resource Implications

N/A

Report prepared by:

S Great - Manager Planning and Development

Report authorised by:

S Great - Manager Planning and Development

Attachments



Planning Scheme

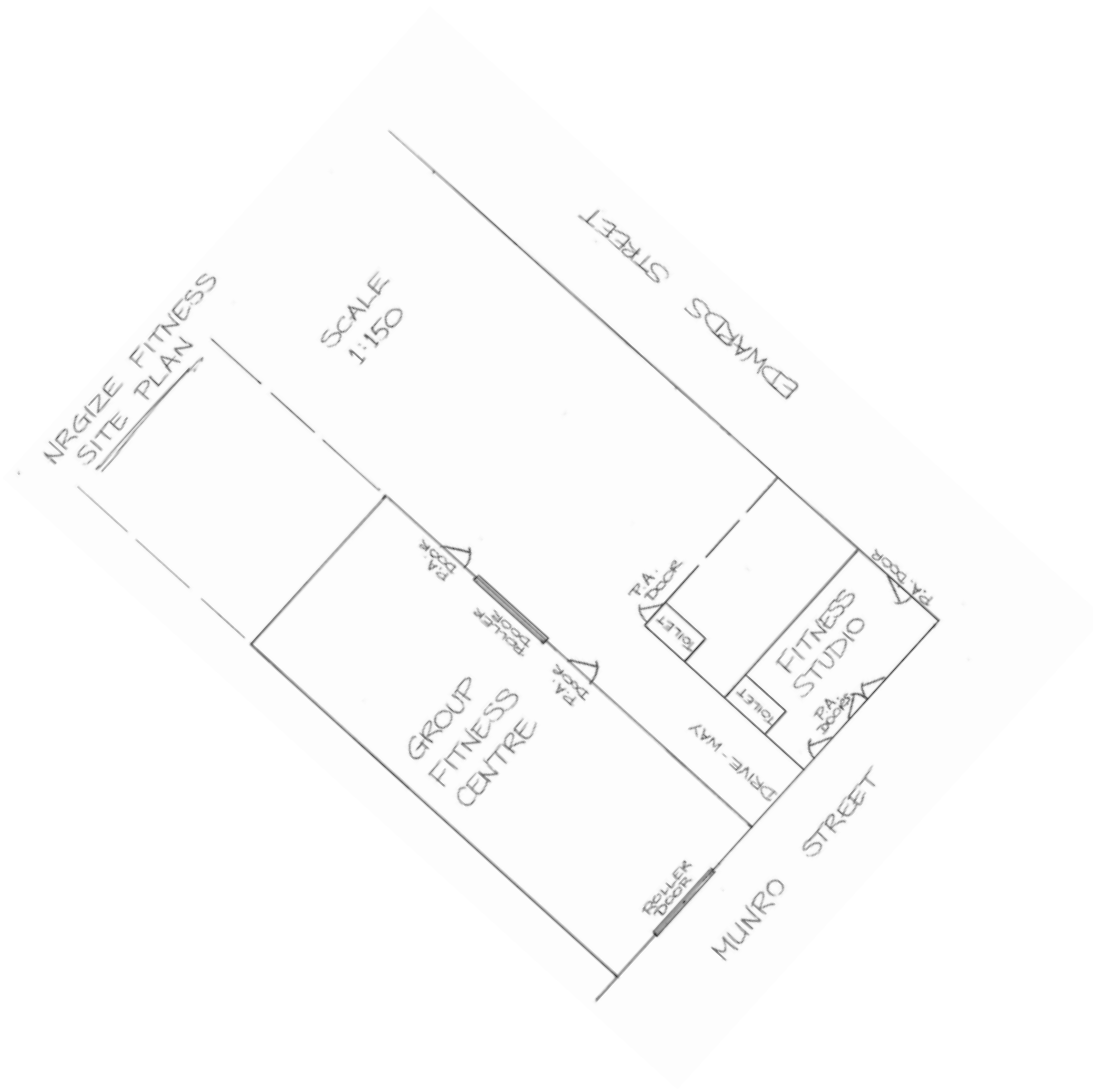
- Rural
- Rural Industry Sub Area
- Rural Nature Based Recreation Sub Area
- Rural Settlement Sub Area
- Residential
- Residential Low Density Sub Area

Zone Map

- Retail and Commercial
- Industrial
- Extractive Industry Sub Area
- Industry Investigation Sub Area
- Public Purpose
- Community Infrastructure Designation

- Village
- Open Space & Recreation





10.2 J & L Mauro - Reconfiguring a lot (1 into 2 lots) at 206 Mt Kelly Drive, Mt Kelly (Lot 61 on RP743809, Parish of Northcote, County of Gladstone)

Document Information

Referring Letter No: 1450508

File No: 234, SUB15/0014

Name of Applicant: J & L Mauro

Location: 206 Mt Kelly Drive, Mt Kelly (Lot 61 on RP743809, Parish of Northcote, County of Gladstone)

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

Executive Summary

An application has been received from J & L Mauro seeking approval for Reconfiguring a Lot (1 into 2 lots) at 206 Mt Kelly Drive, Mt Kelly (Lot 61 on RP743809, Parish of Northcote, 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 (1 into 2 Lots) at 206 Mt Kelly Drive, Mt Kelly (Lot 61 on RP743809, Parish of Northcote, 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.

Background Information

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

The land is zoned 'Rural' with the proposal triggering a 'code assessable' development application for reconfiguring a lot. The application has been assessed against the Reconfiguring a Lot Code under the provisions of the Burdekin Shire Council's IPA Planning Scheme.

The Application:

It is the applicant's intent to subdivide existing Lot 61 into 2 Lots. Access to the proposed Lots will be via Mount Kelly Drive which is currently bitumen sealed to approximately the access of proposed Lot 61. Proposed Lot 61 is currently improved with an existing dwelling, shed and would have an area of 8.4ha. Proposed Lot 62 currently has no structures and will also have an area of 8.4ha.

The supporting material with the application states that in the applicants' opinion the subject lot is not economically viable as a standalone farm and has limited agricultural potential for Sugar Cane or Cattle grazing. It is noted that the site has historically been used to cultivate small crops.

If approved, an additional house could also be constructed on proposed Lot 62. This could result in an increased possibility of incompatible land uses given the rural zoning. It could also contribute to added pressure on existing Council infrastructure.

Site Description/Surrounding Land Uses:

The subject site comprises a total area of 16.84ha and has approximately 400m frontage to Mount Kelly Drive, about half of the access is bitumen sealed. The site contains a mix of uses including undulating undeveloped land and developed productive land used for the growing of a variety of crops. The subject site abuts the existing Rural – Settlement Sub Area that covers a portion of the existing developed Mount Kelly area. The surrounding area is predominantly agricultural being used for the growing of mangoes, small crops and sugarcane. There is also a significant amount of rural residential uses over the Mount Kelly area.

Conclusion:

Although it has been argued by the applicant that the site is not economically viable as a stand-alone farm and is not prime agricultural farming land, there is not sufficient evidence provided in the application that overrides the objectives contained within the Burdekin Shire Council's IPA Planning Scheme. Given this lack of evidence, it is recommended that Council adopt the recommendation to refuse the application.

Link to Corporate/Operational Plan

N/A

Consultation

All other relative Council Departments have been consulted with any comments being included in this report and recommendation.

Legal Authority or Implications

N/A

Policy Implications

N/A

Financial and Resource Implications

N/A

Report prepared by:

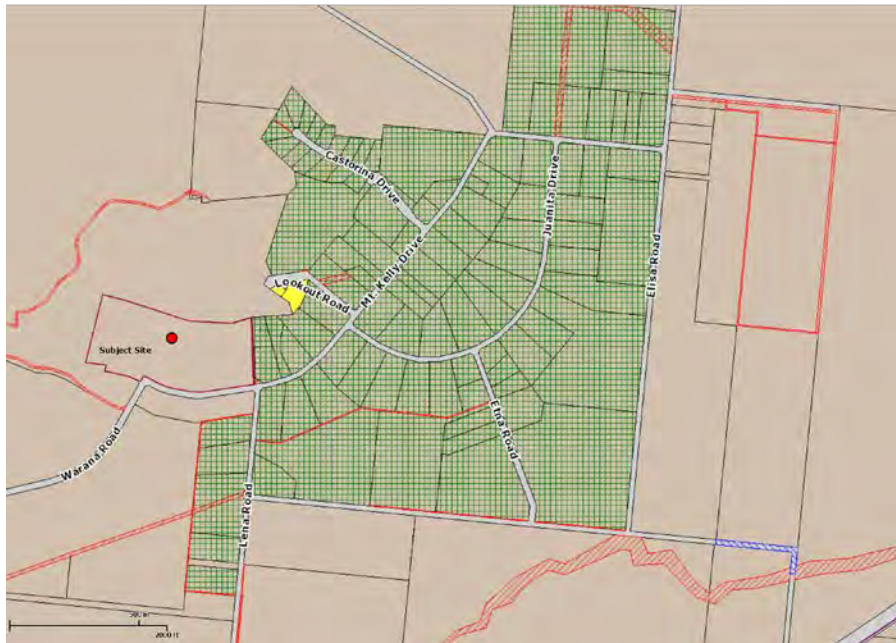
S Great - Manager Planning & Development

Report authorised by:

S Great - Manager Planning & Development

Attachments





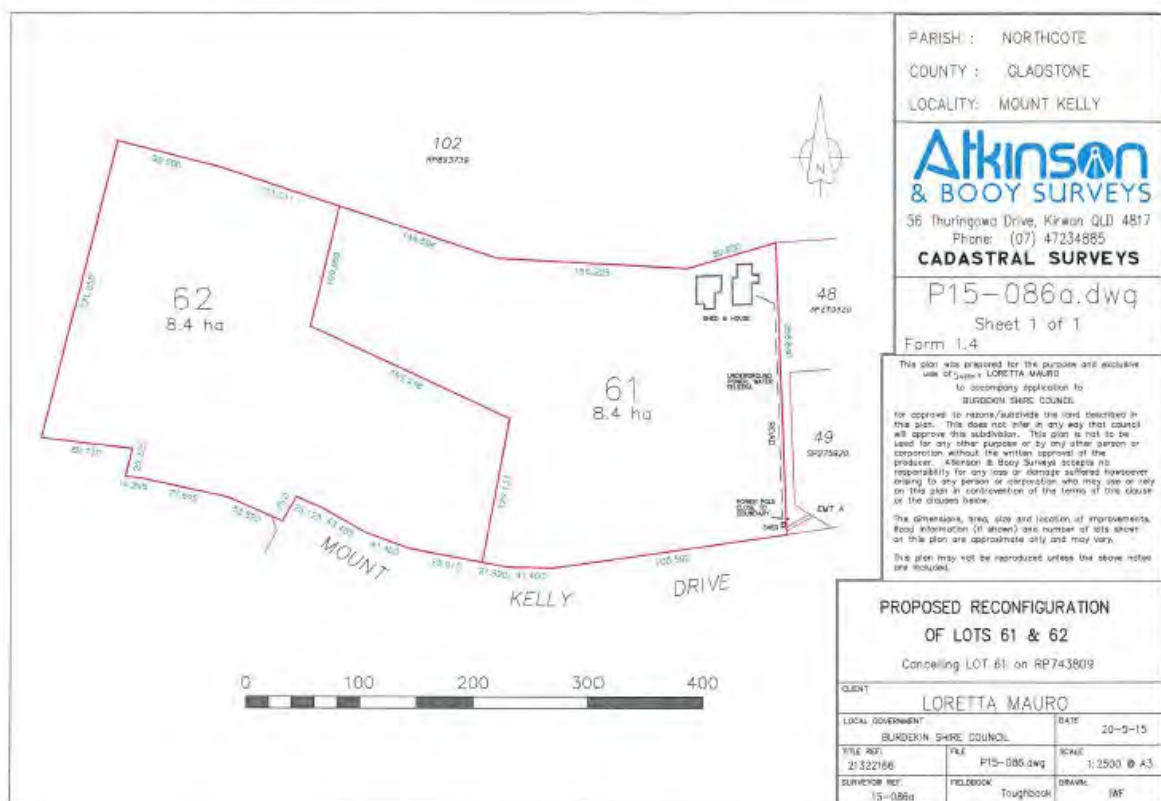
Planning Scheme

- Rural
- Rural Industry Sub Area
- Rural Nature Based Recreation Sub Area
- Rural Settlement Sub Area
- Residential
- Residential Low Density Sub Area

Zone Map

- Retail and Commercial
- Industrial
- Extractive Industry Sub Area
- Industry Investigation Sub Area
- Public Purpose
- Community Infrastructure Designation

- Village
- Open Space & Recreation



10.3 North Queensland Natural Resource Holdings Pty Ltd - Material Change of Use for Extractive Industry at Mt Inkerman Road, Inkerman (Lot 109 on SB337, Parish of Inkerman, County of Salisbury)

Document Information

Referring Letter No: 1418805

File No: 226, Cons15/0007

Name of Applicant: North Queensland Natural Resource Holdings Pty Ltd

Location: Mt Inkerman Road, Inkerman (Lot 109 on SB337, Parish of Inkerman, County of Salisbury)

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

Executive Summary

An application has been received from BNC Planning on behalf of their clients North Queensland Natural Resource Holdings Pty Ltd, seeking approval for a Material Change of Use an Extractive Industry at Mt Inkerman Road, Mt Inkerman (Lot 109 on SB337, Parish of Inkerman, County of Salisbury). 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 for a Material Change of Use for an Extractive Industry at Mt Inkerman Road, Mt Inkerman (Lot 109 on SB337, Parish of Inkerman, County of Salisbury) subject to the following conditions:

Approved Plans

- 1.(a) The proposed development must be completed and maintained generally in accordance with the supporting material including all environmental plans and the drawing/documents identified in the Table below, except as otherwise specified by any condition of this approval.

DOCUMENT	REFERENCE	DATE
Extractive Industry Solutions, Inkerman Quarry – Site Plan	NQN/Ink/App15001	4/02/2015
Extractive Industry Solutions, Contour Plan	NQN/Ink/App15002	28/01/2015
Extractive Industry Solutions, Stormwater management Plan	NQN/Ink/App15002	28/01/2015

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- (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.

Outstanding charges

- 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.

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.

Transportation of Extracted Material

- 4. 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.

Damage

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

Road works/Access

- 6.1 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;
- 6.2 The approved local government road haul route is Mt Inkerman Road to the Bruce Highway unless otherwise approved in writing by the Council at its absolute discretion and subject to the below minimum standard requirements.
- 6.3 The applicant must construct an access track from the south western corner of lot109 SB337 to the existing bitumen section of Mt Inkerman Road.
- 6.4 The new access track is to consist of a single lane, two way road with a lane width of 3.5m and 1 m wide shoulders on either side. The total width of the carriageway shall be 5.5m with the traffic lane constructed to a gravel standard using type 2.4 gravel and shall have a minimum thickness of 150mm. The shoulders shall be constructed of the same gravel standard but to a minimum thickness of 100mm.
- 6.5 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.

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- 6.6 The applicant must construct bitumen sealed formation widening of the existing Mt Inkerman Road from the end of the Bruce Highway intersection treatment to where the road turns to ascend the mountain - approximately 340 metres. Final seal width is to be 6 metres. Formation is to be a minimum of 150mm thick compacted type 2.2 gravel.
- 6.7 The developer must prepare and submit the following documents/plans/details with its 'Operational Works' application for the road upgrade:
- (a) Survey of the 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/ road widening
 - (c) Drainage works proposed (culverts/crossovers) for the maintenance and continued operation of existing drainage lines; and
 - (d) Detail road designs.
 - (e) 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.
- 6.8 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.

Stormwater

- 7.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- 7.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

Operational Works

8. 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 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;

Hours of Operation

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

Limitation on Use

10. The operation must be confined within the boundaries of the authorised operating area delineated on Inkerman Quarry – Site Plan and in general accordance with the specifications shown on supporting material lodged and in particular the Site Management Plans. 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.

Environment and Health

- 11.1 Storage of chemicals and fuels in bulk or containers of greater than 15 litres must be within a secondary containment system and releases from the containment system controlled in a manner that prevents environmental harm.
- 11.2 Acid sulphate soils, acid producing rock and marine sediments must not be processed on site.
- 11.3 Any stormwater runoff from the facility generated by a 24 hour storm event with an average recurrence interval of one in five years must be retained on site and treated to remove contaminants before release.

Advice:

- Any gates or grids within the road reservation, whether existing or proposed, will require a separate application for a permit under council's Subordinate Local Law 1.16 (Gates and Grids) 2012.
- General waste and recycle services must comply with Councils Waste Management Policy.

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

Background Information

Burdekin Shire Council acting as the Assessment Manager has received a Development Application for a Material Change of Use for an Extractive Industry at Mt Inkerman Road, Mt Inkerman (Lot 109 on SB337, Parish of Inkerman, County of Salisbury). The proposal is for an Extractive Industry use and triggers an 'Impact Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (*the scheme*)

The proposal is located on land zoned 'Rural' with an Extraction Industry Sub Area designation. and will be assessed against the scheme in its entirety. Particularly relevant sections of the scheme will include the Desired Environmental Outcomes, the Rural Zone code and Extractive Industry code.

Previous Use:

The site has no lawful existing use rights or development permits attached to the land. The site has previously been used as a quarry, which ceased operations in 2009. It is a material change of use to re-establish a use that has been abandoned or to materially increase the intensity or scale of the use of a premise.

Within the application area, two sites have been used as hard rock quarrying sites, with target rock in the extraction areas being medium grained slightly altered granite. These proposed granite outcrops are located on a large floodplain that consists of Quaternary Alluviums and Lacustrine Deposits. There are no permanent building structures on the site.

The Application:

The subject development site is made up of a single land parcel described as Lot 109 on SB337 and addressed as Mount Inkerman Road, Inkerman. The site is within the Rural Zone with an Extraction Industry Sub Area designation under the planning scheme and has road frontage to Mount Inkerman Road. The Applicant, North Queensland Natural Resource Holdings, proposes to undertake quarrying activities to extract gravel operation on Lot 109 on SB337, Gravel Reserve 170. The proposed extraction volumes will not exceed 100,000 tonnes per year.

As the site will be used as a project specific site, operations will utilise mobile and portable structures such as donga and containers during operations of the sight.

As the proposal involves extraction of more than 5,000 tonnes per year, it is classified as an Environmentally Relevant Activity with the associated licence to be issued as part of the referral of this development application to the State Assessment and Referral Agency.

The Haul Route

As is typical of an extractive industry, the use and location of truck and vehicle movements is a significant issue for assessment. The applicant has proposed to access Mount Inkerman Road via an internal haul road within the subject site, this then gives the applicant access to the Bruce Highway. The Bruce Highway access is located 12.37 kilometres south of Home Hill.

Management Plans

The applicant has submitted a draft Quarry Management Plan, inclusive of a Stormwater Management Plan, Sediment and Erosion Control Plan, Waste Management Plan, Rehabilitation Plan and a Flora and Fauna Management Plan as required for assessment by State entities. These documents include details of the management and operation being proposed. After the initial review of the application was carried out the Department of State Development, Infrastructure and Planning determined that in accordance with section 276 of the act, the following additional information was requested to complete assessment of the application in the form of a Road Impact Assessment and Road Traffic Operation Assessment of proposed site.

Comment on Submissions:

The development Application required public notification due to the proposed use (i.e. Extractive Industry) triggering a Material Change of Use – Impact Assessable.

The application was first advertised in the Townsville Bulletin on Tuesday 17 July, 2015 and at the closing date for submissions on Tuesday 28 July, 2015. After a review of the notification process the proposal was advertised again in the Townsville Bulletin on Friday 17 July, 2015 to 06 August, 2015. There were 4 properly made submissions received with all submissions strongly objecting to the proposal.

Submissions were received from:

Name	Comment/Concerns raised
Tiffany Olditch	<ul style="list-style-type: none">• Preserved to be enjoyed by all• Proximity to significant wetland areas
Donna Piva	<ul style="list-style-type: none">• Protect the natural beauty
Elif Tustin	<ul style="list-style-type: none">• Detract from the natural beauty• Proximity to wetlands• Amenity of locals
Kathy Moran	<ul style="list-style-type: none">• Not used for Commercial benefit

Concerns raised on relevant planning issues were:

1. *Irreversible Damage to the Mountain: Submitters raised concerns about the rates of extraction and the negative look left after the previous development where it was left with no vegetation that will result as an eyesore to tourists and locals that use the look out.*

The development will have very limited impact to tourists and locals using Mount Inkerman lookout due to the location of the proposed development located the very far western end of the site. The applicants Quarry Management Plan has provided a Rehabilitation Plan and a Flora and Fauna Management Plan and is expected to provide solutions to these concerns.

2. *Devalue Property: A concern was raised about the proposed development having a negative impact to the value of local residents living at Mount Inkerman.*

Given that the proposed use has been identified as a mineral development lease, it is unlikely that property valuations will be impacted upon. This is not a valid planning ground to justify refusal of the application.

3. *Increases in Traffic: Submitters raised concerns about the increase in truck movements and the negative impacts this will bring to nearby residents and tourists.*

Depending on the size of the trucks carting the material from the site, a Road Impact Assessment indicated that the slight increase in vehicle movements entering and exiting the site will have moderate impact on exiting traffic movements and the road pavement. Access option 1 was chosen from the report utilising the existing site access on Mount Inkerman Road T-intersection. It was then concluded if the proposed development is to be accessed via Mount Inkerman Road (access option 1), it will be necessary to upgrade the existing Bruce Highway / Mount Inkerman Road Intersection with the provision of AUL(S) / CHR(S) turn treatments on the Bruce Highway to separate / channelize conflicting movements and increase the conspicuousness of the intersection to drivers approaching along the Bruce Highway.

According to the Pavement Impact Assessment since the proposal has a maximum extraction rate of 100,000 tpa the proposed development will not significantly impact on pavements and therefore no contribution is required to mitigate development impacts on pavements.

4. Noise emissions: *Submitters were concerned about excessive noise generated from more truck movements from the 6am to 6pm, 6 day week of operation to locals and tourists.*

As identified previously, it is anticipated by the applicant an additional 16 vehicular movements per day including the staff vehicles with a maximum of 4 vehicle movements during peak hours along the haul route will not cause any significant increase in noise impacts. The haul route will be an appropriate distance from residential properties and tourist lookout and it is anticipated the truck movements will not be specifically identifiable given surrounding operation of agricultural uses and noises and noise generated by other trucks operating along the Bruce Highway.

5. Dust emissions: *A submitter was concerned about the increase in dust emissions if the proposal was approved. Access to properties along the haul route and alleged increase in truck movements on unsealed roads would increase dust emissions*

The applicant has submitted that in peak operations, 4 truck and trailers would undertake round trip from the associated sand business twice a day, equating to 16 vehicular movements a day in total.

It is considered the development will have limited impact from unreasonable dust or air quality impacts from vehicles given the road surface, traffic numbers and proximity of the closest properties. Access to properties will not be an issue due to no properties located on the haul route. Furthermore, the developer will be required to ensure that all loads are tied down and covered.

6. Proximity to Wetlands and Wildlife: *Submitters were concerned of the impacts to wetlands and local wildlife around the development site.*

The proposed development is anticipated to occur in previously disturbed areas and the haul route is located on an existing track and road reserve. It is not anticipated that any significant loss of bird and rock wallaby habitat or environmental values will occur. Overall the requirement for road improvements and maintenance imposed upon the applicant is expected to provide a solution to these concerns.

Planning Scheme Assessment

The land is zoned 'Rural' with an Extraction Industry Sub Area designation with the proposal triggering an 'Impact Assessable' development application. The application has been assessed against the relevant provisions of the Burdekin Shire Council's IPA Planning Scheme (*the scheme*) and was triggered as assessable development under Table 1 – Assessment Categories and relevant assessment criteria for Rural Zone – Making a Material Change of Use. The defined use is best described as an 'Extractive Industry'.

“Extractive Industry” definition: - *“The use of land for the winning, by any means, of any rock, gravel, sand or soil from the earth*

The term also includes:

- (a) The processing of such material whether or not such processing takes place of the same lot from which the material was won;*
- (b) The removal of any such material from the place from which it was won or processed;*
- (c) Land necessarily used for hauling materials from the site to a road.*

The term does not include operation work associated with a construction site.”

Desired Environmental Outcomes

The proposed development is a small extractive industry in an area of known local gravel resource. It is classed as an industrial use which while requiring impact assessment is not considered an inconsistent use in the Rural Zone.

As such, the use will not compromise the achievement of the Desired Environmental Outcomes of the Planning Scheme.

The Shire intends to have a sustainable economic base built upon its natural resources and will both protect and responsibly utilise extractive resources within the Shire future use.

Rural Zone

The proposed development does not conflict with the overall outcomes for the Rural Zone code and is not considered an incompatible land use due to the isolated location of the extraction site within the larger area of Lot 109 and noting the limited traffic impacts and use of local government roads for access.

Proposed traffic numbers of sixteen vehicle movements per day are not anticipated to conflict with surrounding rural agricultural issues.

Conditioned requirements for upgrading of the access route will ensure compliance with Specific Outcome 1 to ensure an appropriate level of infrastructure for efficient functioning of the use while not impacting on adjoining land uses or the environment will occur.

Most other Specific Outcomes are not applicable to the proposed development or can be appropriately complied with given the adequate size and area within which the extracted industry is to occur.

No substantial building or structural works are anticipated, the site is separated from other uses and onsite operations will be managed by the State approved Quarry Management Plan.

Extractive Industry Code

The proposed development is generally in accordance with Specific Outcomes of the Extractive Industry Code. The quarry management plan will ensure that existing amenity and environmental values will be maintained and operational site layout and management will occur appropriately.

Conditions are to be imposed to ensure compliance with Specific Outcome 02 to provide vehicular access to and from the site is adequate.

As there are no dwelling houses in proximity to the extractive area and residential properties are at adequate buffer distances from the haul route, the proposed development is not in conflict with this code.

Biodiversity and Conservation Code

The proposed development is in an area of historical extractive use and is a continuation of that previous operation.

Assessment has occurred in relation to the site's proximity to an adjoining HES Wetland and recommended buffers identified in the applicants supporting material are conditioned in the concurrence agency response from the Department of Infrastructure, Local government and Planning. The site is not located next to any other significant environmental feature or ecological corridor.

Haul routes are contained within existing road reserves and conditions have been conditioned to require the applicant to ensure that any drainage line to wetland areas in proximity are to be maintained, subject to future operation works assessment and approval.

Mineral Resources Code

The proposed development is generally in accordance with Specific Outcomes of the Mineral Resources Code. In addition, the site is identified in the Natural Features Overlay mapping as a Mineral Development Lease. This re-enforces the fact that the site has characteristics consistent with an extractive land use. The code has been drafted to ensure that specific sites in the Burdekin are protected from incompatible land use that may encroach upon these operations. The objective of this code is to ensure the protection of known resources of gravel, sand and other material suitable for the building and construction industries.

Conclusion

Assessment of the proposal against the planning scheme requirements has demonstrated that the proposed development will achieve substantial compliance with all aspects of the scheme.

The planning and ecology reports prepared by the applicants' consultants and lodged as part of the application suggest that there will be very limited environmental impacts associated with the project.

Recommendations including conditions have been based on the overall impact the proposed use may have considering the schemes DEO's, Zone Codes and State Interests as well as submitter concerns.

Council's Development Assessment Team members have assessed the application and in accordance with Section 345 of the Sustainable Planning Act (SPA), have included reasonable and relevant conditions as part of the recommended approval. Given that the proposal generally complies with the provisions contained in Council's IPA Planning Scheme and other relevant planning instruments, it is recommended that Council approves the application subject to the abovementioned conditions.

Link to Corporate/Operational Plan

The proposal relates to the newly adopted Corporate Plan in that it meets several of the objectives identified in 'Key Strategic Areas' including Infrastructure, Economic Development and Environment.

Consultation

The application was publicly notified between 17th July, 2015 and 6th August, 2015. There were 4 properly made submissions received. All relevant Council Departments have been consulted with comments and development conditions included as part of the recommendation. In accordance with section 275 (1) of the Sustainable Act 2009, the application was referred to NQSARA, the conditions received will be attached to any Decision Notice issued.

Legal Authority or Implications

Given the nature of the application and the content of submitter concerns, a potential risk is present in that any decision made by the Assessment Manager may attract an appeal in the Planning and Environment Court.

Policy Implications

N/A

Financial and Resource Implications

Possible legal fees associated with any Planning and Environment Court appeal.

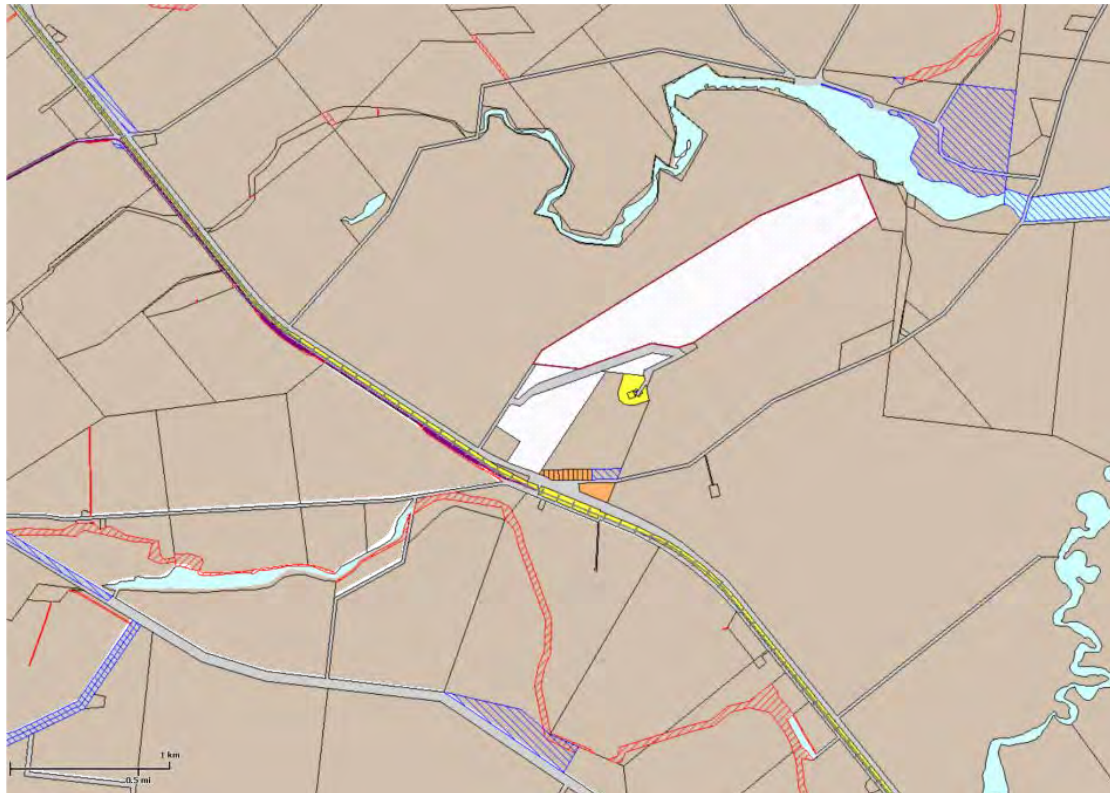
Report prepared by:

S Great – Manager Planning and Development

Report authorised by:

S Great – Manager Planning and Development

Attachments



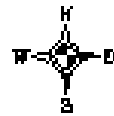
Planning Scheme

-  Rural
-  - Rural Industry Sub Area
-  - Rural Nature Based Recreation Sub Area
-  - Rural Settlement Sub Area
-  Residential
-  - Residential Low Density Sub Area

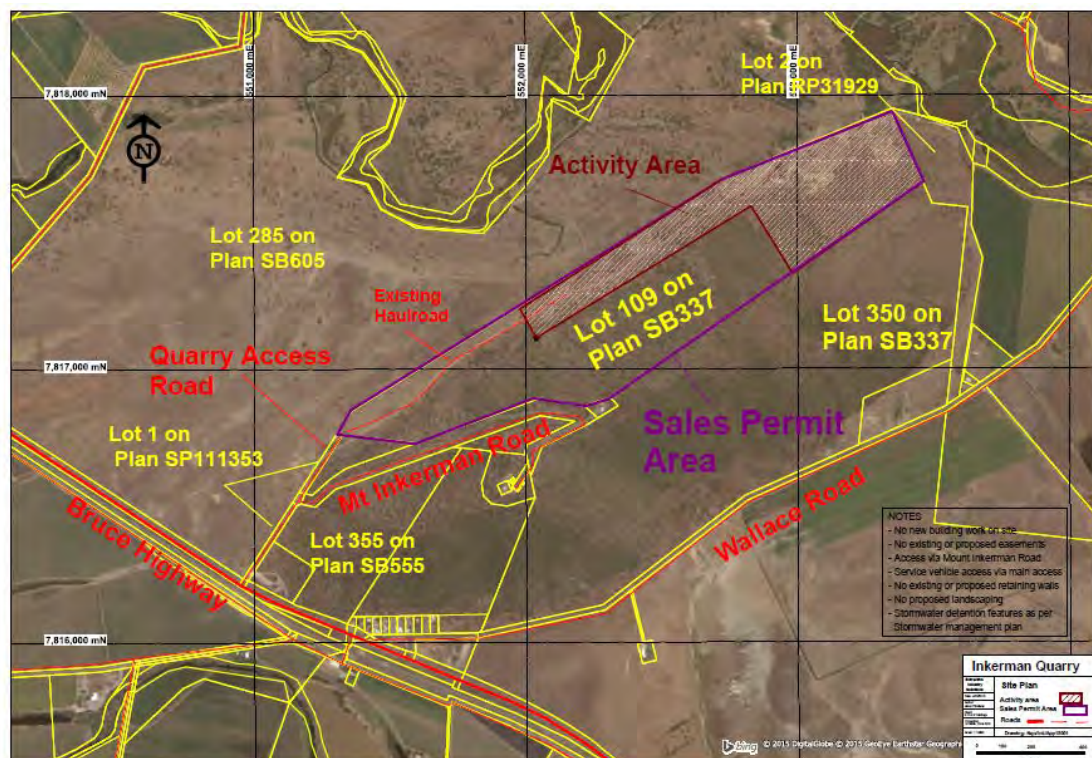
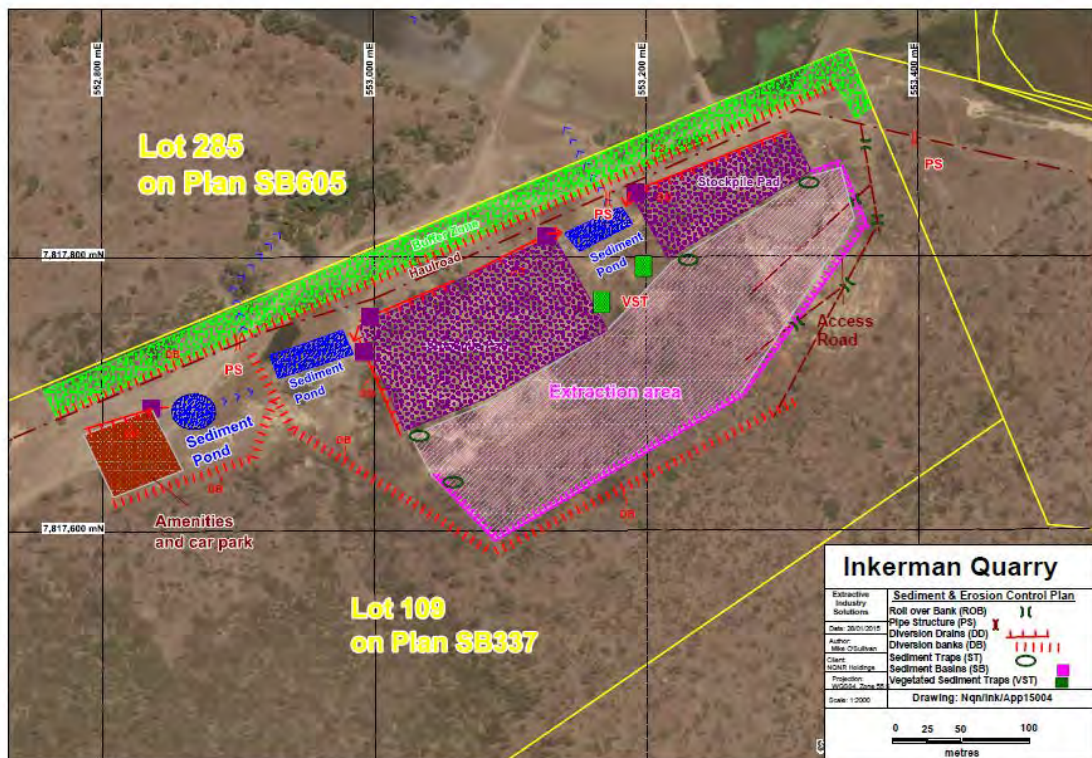
Zone Map

-  Retail and Commercial
-  Industrial
-  - Extractive Industry Sub Area
-  - Industry Investigation Sub Area
-  Public Purpose
-  Community Infrastructure Designation

-  Village
-  Open Space & Recreation







11 COMMUNITY DEVELOPMENT

12 ECONOMIC DEVELOPMENT

13 GENERAL BUSINESS

14 CORRESPONDENCE FOR INFORMATION

Tabled Separately

15 NOTICES OF MOTION

16 URGENT BUSINESS

17 CLOSED MEETING ITEMS

18 DELEGATIONS

