



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 28 May 2019

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 28 MAY 2019

ORDER OF BUSINESS:

ITEM	PRECIS	PAGE
1	PRAYER	1
2	DECLARATIONS OF INTEREST	1
3	MINUTES AND BUSINESS ARISING	1
3.1	Ordinary Council Meeting Minutes - 14 May 2019	1
4	REPORTS	2
5	GOVERNANCE	2
6	ENVIRONMENTAL AND HEALTH SERVICES	2
7	CLIENT SERVICES	2
8	FINANCIAL & ADMINISTRATIVE SERVICES	2
8.1	Adoption of 2018/2019 Revenue Policy	2
8.2	Monthly Financial Report for Period Ending 30 April 2019	3
9	OPERATIONS	3
10	TECHNICAL SERVICES	3
11	PLANNING & DEVELOPMENT	3
11.1	Development Application - Material Change of Use for Extractive Industry - Sand Extraction from the Haughton River Adjacent to 1004 Upper Haughton Road, Upper Haughton (Lot 64 on CP868133 and Lot 13 on SP113329)	3
11.2	Request for Council Approval - Transfer Lot 29 on SP232097 to Council Ownership - Newton Solicitors on behalf of Jalroy Pty Ltd	7
12	COMMUNITY DEVELOPMENT	7
13	ECONOMIC DEVELOPMENT	7
14	NOTICES OF MOTION	7
15	CORRESPONDENCE FOR INFORMATION	8



Burdekin Shire Council

15.1	Attendance - Northern Alliance of Councils Meeting and Conference - 14 to 16 August 2019 - Bowen	8
4	REPORTS	8
4.1	Late Report - Replacement of Frilled Necked Lizard Sculpture - Home Hill Comfort Stop	8
16	GENERAL BUSINESS	8
16.1	Home Hill Issues	8
17	CLOSED MEETING ITEMS	9
18	DELEGATIONS	9
18.1	Deputation - Alluvium Consultants	9

ATTENDANCE

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

Mr. T. Brennan - Chief Executive Officer

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

Mr. D. Mulcahy – Manager Environmental and Health Services (Part)

Mr. W. Saldumbide - Manager Operations (Part)

Mr. S. Great - Manager Planning and Development (Part)

Mr. M. Pearce – Senior Planning Officer (Part)

Minutes Clerk – Miss. N. Loizou

Apologies:

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

Mrs. K. Olsen – Acting Director Corporate and Community Services

1 PRAYER

The meeting prayer was delivered by Pastor Gavin Henderson of the Presbyterian Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Liessmann informed the meeting that he may have a Perceived Conflict of Interest in relation to Item 11.1 as his son is married to the daughter of Mr and Mrs Lewis the owners of Burdekin Transport, which is the applicant for the Planning approval. It was determined by the other Councillors that this was not a Perceived Conflict of Interest and Councillor Liessmann remained in the room during discussion of this item.

Councillor Goddard declared a Perceived Conflict of Interest in relation to Item 11.1 as he is the brother in law of Mr R. Lewis, one of the owners of Burdekin Transport, which is the applicant for the Planning approval. Councillor Goddard advised of his intention to leave the room during discussion of this item.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 14 May 2019

Recommendation

That the minutes of the Ordinary Council Meeting held on 14 May 2019 be received and confirmed.

Resolution

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

CARRIED

4 REPORTS

5 GOVERNANCE

6 ENVIRONMENTAL AND HEALTH SERVICES

7 CLIENT SERVICES

8 FINANCIAL & ADMINISTRATIVE SERVICES

8.1 Adoption of 2019/2020 Revenue Policy

Executive Summary

Under the *Local Government Act 2009*, Council is required to prepare, and by resolution, adopt a Revenue Policy for each financial year.

The policy identifies the principles Council intends to apply in relation to levying rates and charges, granting concessions for rates and charges, recovering overdue rates and charges and cost-recovery methods.

A draft Revenue Policy for 2019/2020 is attached for consideration and adoption.

Recommendation

That Council adopts the 2019/2020 Revenue Policy attached to the report.

Resolution

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

CARRIED

8.2 Monthly Financial Report for Period Ending 30 April 2019

Recommendation

That the Monthly Financial Report for Period Ending 30 April 2019 be received.

Resolution

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

CARRIED

9.16am – Mr. Shane Great entered the meeting

9 OPERATIONS

10 TECHNICAL SERVICES

9.28am – Councillor Goddard left the meeting during discussion of item 11.1 due to a perceived Conflict of Interest as disclosed at the commencement of the meeting.

11 PLANNING & DEVELOPMENT

Delegates of Burdekin Transport attended the meeting and spoke briefly to the Development Application.

11.1 Development Application - Material Change of Use for Extractive Industry - Sand Extraction from the Haughton River Adjacent to 1004 Upper Haughton Road, Upper Haughton (Lot 64 on CP868133 and Lot 13 on SP113329)

Executive Summary

Council has received a Development Application from RPS on behalf of their client Burdekin Transport seeking a development permit for a Material Change of Use for Extractive Industry – sand extraction from the Haughton River, on land adjacent to 1004 Upper Haughton Road, Upper Haughton (lot 64 on CP868133 & Lot 13 on SP113329).

The proposal is defined as an Extractive Industry and triggers an 'Impact Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (*the scheme*). As the application is Impact Assessable it was required to be publicly notified for 15 business days.

The application also required referral to the North Queensland State Assessment Referral Agency (NQSARA) having regard to matters of State Significance.

Recommendation

That Council approves the Development Application for a Material Change of Use for an Extractive Industry – sand extraction from the Haughton River on land adjacent to 1004 Upper Haughton Road, Upper Haughton (Lot 64 on CP868133 & Lot 13 on SP113329) subject to the following conditions:

General

1. The extraction and screening use may operate only between the hours of 6.00a.m. to 6.00p.m. Monday to Friday and 6.00a.m. to 3.00p.m. Saturday. There must be no operation on Sundays or public holidays.

Approved Plans

2. (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	Plan Ref, Rev	Prepared by	Date
Haughton River Quarry Extraction Area A and Access Route	118407-03: Rev, B	RPS Australia	15/03/2019
Haughton River Quarry Extraction Area G and Access Route	118407-03-01: Rev, D	RPS Australia	15/03/2019

- (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.

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.

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 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.

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.

Extraction Method

9. 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

- 10.1 The applicant will construct a new intersection where the proposed haul road meets Upper Haughton Road.
- 10.2 The intersection of the haul road and Upper Haughton Road is to be designed to cater for haulage vehicles using a swept path template for a prime mover and semi-trailer. The intersection shall be based on the attached plan "Turning Path Rev A" and be sealed with a minimum 50mm thick AC14HA5S asphalt. The 4 metre wide grid is to be incorporated into the design.
- 10.3 Upgrade the existing track within the unnamed road reserve to ensure minimum site distance and turning radii meet safety standards.
- 10.4 The applicant must pay Council (on an annual basis) the amount of 31 cents/tonne for routine maintenance costs for the duration of extraction operations using Upper Haughton Road. Once evidence of extraction rates is received by Council via the annual report, the amount payable will be calculated and the developer provided with a tax invoice for payment. Payment must be made within 14 days of the tax invoice being issued, or such alternative date as stipulated on the tax invoice.

Limitation on Use

- 11.1 The Extractive Industry use is limited to a maximum extraction rate of 100,000 cubic metres of material to be removed from the site annually.
- 11.2 The operation must be confined within the boundaries of the authorised operating area delineated on the Extraction Area Plans and in general accordance with the specifications shown on supporting material lodged and in particular the Site Based Management Plan. 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

- 12.1 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.
- 12.2 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 Natural Resources Mining and Energy and be strictly in accordance with the issued quarry allocation permit.
- 12.3 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.

Operational Works

13. Where operational works are required to be carried out, the developer must, within the timeframe 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) 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;

Resolution

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

CARRIED

9.42am – Councillor Goddard returned to the meeting

11.2 Request for Council Approval - Transfer Lot 29 on SP232097 to Council Ownership - Newton Solicitors on behalf of Jalroy Pty Ltd

Executive Summary

Council has received correspondence from Newton Solicitors on behalf of their client Jalroy Pty Ltd requesting that Council agree to take ownership of 65-87 Woods Street, Ayr (Lot 29 on SP232097) from the current landowner Jalroy Pty Ltd.

Recommendation

That Council not accept the offer to transfer 65-87 Woods Street, Ayr (Lot 29 on SP232097) to Burdekin Shire Council ownership.

Resolution

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

CARRIED

9.49am - Councillor Woods advised that due to a personal commitment he would need to be excused for the remainder of the meeting

12 COMMUNITY DEVELOPMENT

13 ECONOMIC DEVELOPMENT

14 NOTICES OF MOTION

9.49am – Mr Shane Great left the meeting

15 CORRESPONDENCE FOR INFORMATION

15.1 Attendance - Northern Alliance of Councils Meeting and Conference - 14 to 16 August 2019 - Bowen

Resolution

Moved Councillor Perry, seconded Councillor Bawden that Council approves the attendance of Councillors Bonanno, Woods and McLaughlin at the Northern Alliance of Councils Meeting and Conference to be held from 14 to 16 August 2019 in Bowen, and all expenses of their attendance be met by Council.

CARRIED

4 REPORTS

4.1 Late Report - Replacement of Frilled Necked Lizard Sculpture - Home Hill Comfort Stop

Executive Summary

Approval is requested to commission artist, Cameron Rushton to re-create the frilled necked lizard sculpture which was installed on the large granite rock at the Home Hill Comfort Stop. The sculpture was recently stolen.

Recommendation

That replacement of the recently stolen frilled necked lizard sculpture at the Home Hill Comfort Stop be approved at a cost of \$2,200 excl GST.

Resolution

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

CARRIED

16 GENERAL BUSINESS

16.1 Home Hill Issues

Councillor Liessmann asked if action could be followed up on the repair of the digital town clock at Home Hill, the speakers at the Comfort Stop and the removal of damaged promotional banners in the main street. These items were noted for follow up by Council Officers.

10.07am – The meeting adjourned for morning tea

10.35am – The meeting recommenced with the addition of Mr. Wayne Saldumbide, Mr. Shane Great and Mr. Marty Pearce.

17 CLOSED MEETING ITEMS

18 DELEGATIONS

18.1 Deputation - Alluvium Consultants

10:30am – Ms. Phebe Bicknall, Senior Coastal Engineer and Ms. Fiona Chandler, Regional Manager of Alluvium provided Council with a brief overview in relation to Phases 3 to 8 of the Coastal Adaption Hazard Strategy Project for the Burdekin Shire, which is being funded by the State Government through the Local Government Association of Queensland.

11.30am – Mr Dan Mulcahy entered the meeting

There being no further business the meeting closed at 11.40am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 11 June 2019.

MAYOR

