



Burdekin Shire Council

AGENDA

ORDINARY COUNCIL MEETING

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

on 10 September 2019

COMMENCING AT 9:00AM

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Burdekin Shire Council

TUESDAY 10 SEPTEMBER 2019

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1 PRAYER

2 DECLARATIONS OF INTEREST

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 27 August 2019

Recommendation

That the minutes of the Ordinary Council Meeting held on 27 August 2019 be received and confirmed.



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 27 August 2019

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 27 AUGUST 2019

ORDER OF BUSINESS:

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Ordinary Council Meeting 27 August 2019



Burdekin Shire Council

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ATTENDANCE

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

Mr. T. Brennan - Chief Executive Officer
Mr. N. O'Connor – Director Corporate and Community Services
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services
Mr. D. Mulcahy – Manager Environmental and Health Services (Part)
Mrs. Tonia Marano – Customer Service Centre Co-ordinator (Part)

Minutes Clerk – Ms. G Biffanti

1 PRAYER

The meeting prayer was delivered by Father Sibichan Kaippanplackal of the Catholic Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Bonanno declared a Perceived Conflict of Interest in relation to Item 6.3 due to his business association with one of the parties involved. Councillor Bonanno advised of his intention to leave the room during discussion of this item.

Councillor McLaughlin declared a Perceived Conflict of Interest in relation to Item 6.4 due to her family relationship with the owner of Vass Engineering who may be undertaking construction of shoreline conveyor for the proponent. Councillor McLaughlin advised of her intention to leave the room during discussion of this item.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 13 August 2019

Recommendation

That the minutes of the Ordinary Council Meeting held on 13 August 2019 be received and confirmed.

Resolution

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

CARRIED

4 REPORTS

5 GOVERNANCE

6 ENVIRONMENTAL AND HEALTH SERVICES

6.1 Adoption of Revised Environmental Policy

Executive Summary

The Environmental Policy was last adopted by Council on 26 June 2018 and a review is required as per the Review Schedule of 12 months.

A review has been undertaken of the policy and a revised version is attached for consideration and adoption.

Recommendation

That Council adopt the attached revised Environmental Policy.

Resolution

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

CARRIED

6.2 Amendment of 2018/2019 Fees and Charges - Acceptance of Fire Extinguishers at Waste Facilities

Executive Summary

The current 2019-2020 Fees and Charges lists fire extinguishers as a waste and as such are not accepted at the Transfer Stations or Landfill. Council has now been able to source a contractor to decommission the fire extinguishers. Consequently, Council is now in a position to receive the fire extinguishers for disposal.

Without an alternative option many of the fire extinguishers may end up in the kerbside refuse bin or illegally dumped, causing potentially serious health and safety risks to our waste collection contractors, landfill operations staff, the public and the environment.

This report recommends acceptance of decommissioned fire extinguishers at cost.

Recommendation

That Council approves the inclusion of fire extinguishers in the list of acceptable items at the waste facilities and adopts the following fees and charges:

Domestic

Fire extinguishers not decommissioned - \$12-00 (inc GST)
Decommissioned fire extinguishers – Free if sorted

Commercial

Fire extinguishers not decommissioned - \$12-00 (inc GST)
Decommissioned fire extinguishers – Free if sorted

Resolution

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

CARRIED

9.08am – Councillor Bonanno left the meeting due to a Perceived Conflict of Interest in relation to Item 6.3 due to his business association with one of the parties involved.

6.3 Report - Caravan - Occupation of a Temporary Home

Executive Summary

A request has been received from a part owner of certain land located on Peak Road, Inkerman to allow caretakers to reside on site in a self-contained caravan. The request involves the waiving of the provisions of Subordinate Local Law No 1.3 (Establishment or Occupation of a Temporary Home) 2012. It is also noted that other part owners of the land have objected to this request.

Recommendation

That in relation to a request to allow caretakers to reside on site in a self-contained caravan on land located on Peak Road, Inkerman Council advise the part owner that:

- Council is prepared to accept an application under Subordinate Local Law 1.3 (Establishment or Occupation of a Temporary Home) 2012 noting that written consent is required from all owners of the land.

Resolution

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

CARRIED

9.13am – Councillor Bonanno returned to the meeting

9.13am – Councillor McLaughlin left the meeting due to a Perceived Conflict of Interest in relation to Item 6.4 due to her family relationship with the owner of Vass Engineering who may be undertaking construction of the shoreline conveyor for the proponent.

Councillor Perry assumed Chair

9.19am - Mrs. Marano entered the meeting

6.4 Report - Proposed Shoreline Conveyor Storage and Maintenance

Executive Summary

The North Queensland Dry Tropics (NQDT) has provided grants to Council in the past years in the areas of Aquatic Weed Management and Feral Pig Control. North Queensland Dry Tropics have now requested Council to participate in another grant program which includes a proposal for the Council to store, transport, operate and maintain a shoreline conveyor. The shoreline conveyor system is an example of better practice in the aquatic weed removal activity and is strongly supported by the North Queensland Dry Tropics. This obligation will continue until 30 June 2022. Construction of the shoreline conveyor and associated expenses excluding minor maintenance are to be funded from the North Queensland Dry Tropics Grant.

Recommendation

That Council agrees to store, transport, operate and undertake minor maintenance on the shoreline conveyor provided by North Queensland Dry Tropics as part of the Aquatic Weed Management Project Agreement until 30 June 2022, noting that any regular maintenance expense can be funded from the Aquatic Weed budget.

Resolution

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

Councillor Woods requested that any agreement in relation to the equipment address issues of appropriate cleaning down of it if used in areas outside the Shire to minimise any risk of spread of weeds. Mr. Mulcahy noted these comments.

CARRIED

9.20am - Mr. Mulcahy left the meeting

9.21am – Councillor McLaughlin returned to the meeting and resumed the Chair

7 CLIENT SERVICES

7.1 Draft Council Customer Service Charter

Executive Summary

A new Council Customer Service Charter has been developed to reinforce 'a customer first' culture across the organisation.

The draft Charter been produced following a series of workshops involving staff from across the organisation to ensure there is 'ownership' from all departments.

Once adopted the Charter will be displayed in all Council buildings outfacing to the community and flyers will be available for customers. General information and training on the new Customer Service Charter will be given to all staff.

Recommendation

That Council adopt the Whole of Council Customer Service Charter as attached to this report.

Resolution

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

CARRIED

9.25am – Mrs. Marano left the meeting

8 FINANCIAL & ADMINISTRATIVE SERVICES

8.1 Operational Monthly Report for Period Ending 31 July 2019

Recommendation

That the Operational Monthly Report for Period Ending 31 July 2019 be received.

Resolution

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

CARRIED

9 OPERATIONS

10 TECHNICAL SERVICES

10.1 Sixteenth Street Drainage Upgrade - Quotation Expenditure Threshold

Executive Summary

The Sixteenth Street Drainage Upgrade Project was successfully completed under contract in early July 2019. During the construction of this project, minor variations occurred that were not accounted for in the initial Request for Quotation (RFQ).

As a result, the expenditure for the project went above \$200,000 which generally, is the threshold that triggers the requirement for a tender process. Upon completion, the total expenditure for the contract was \$206,695.19 and the budget for the project was \$300,000.

In the interest of transparency, this report outlines the reasoning why a tender process was not undertaken.

Recommendation

Council notes that the Sixteenth Street Drainage Upgrade project exceeded the standard \$200,000 threshold for Quotation through unforeseen variations; however the end project value remained below the total Project Budget.

Resolution

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

CARRIED

11 PLANNING & DEVELOPMENT

12 COMMUNITY DEVELOPMENT

13 ECONOMIC DEVELOPMENT

14 NOTICES OF MOTION

15 CORRESPONDENCE FOR INFORMATION

15.1 Seeking Support from Council - Global Climate Strike - Lay on the Table

Executive Summary

Council received a letter from a collective representing School Strike 4 Climate requesting support outlined in the attached Correspondence for Information – Letter 6.

Motion

Moved Councillor Bawden, seconded Councillor Liessmann that Council support the recommended motions presented in the attached correspondence proposed by School Strike 4 Climate.

Resolution

Moved Councillor Perry, that the item lay on the table to allow Councillors to undertake further research prior to making a decision on the matter.

Voting on Motion

FOR: Councillors McLaughlin, Perry, Woods, Bonanno and Goddard

AGAINST: Councillors Liessmann and Bawden

5/2

CARRIED

16 GENERAL BUSINESS

16.1 Request for Council Endorsement - Councillor McLaughlin Attendance - 2019 Queensland Training Awards State Gala Dinner

Resolution

Moved Councillor Woods, seconded Councillor Perry that Council endorse the attendance of the Mayor at the 2019 Queensland Training Awards State Gala Dinner to be held at the Brisbane Convention and Exhibition Hall on 14 September 2019 as Council employee, Naomi Loizou, is a finalist in the Trainee of the Year Award. This will be at no expense to Council.

CARRIED

16.2 Councillor Liessmann - Issue of Penalty Infringement Notice to Animal Owner

Councillor Liessmann raised a query about the issue of a Penalty Infringement Notice to the owner of dogs for wondering at large in relation to the investigation and timing of the issue of the Penalty Infringement Notice. It was agreed that details be provided to the Director Infrastructure, Planning and Environmental Services to follow up and report back to all Councillors.

16.3 Approved Leave of Absence - Councillor Goddard - 9 to 17 September 2019

Resolution

Moved Councillor Woods, seconded Councillor Bawden that Councillor Goddard be granted a leave of absence from 9 to 17 September 2019.

CARRIED

16.4 Approved Leave of Absence - Councillor Goddard - 18 to 23 September 2019

Resolution

Moved Councillor Perry, seconded Councillor Bawden that Councillor Goddard be granted a leave of absence from 18 to 23 September 2019.

CARRIED

16.5 LGAQ Annual Conference - 14 to 16 October 2019 - Cairns

Resolution

Moved Councillor Woods, seconded Councillor Bonanno that Council approves the attendance of Councillors Perry, Goddard, McLaughlin and CEO, Mr Terry Brennan, at the LGAQ Annual Conference to be held in Cairns from 14 to 16 October 2019 with the expenses of their attendance to be met by Council.

CARRIED

17 CLOSED MEETING ITEMS

18 DELEGATIONS

There being no further business the meeting closed at 10.03am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 10 September 2019.

MAYOR

3.2 Burdekin Cultural Advisory Group Meeting - 15 July 2019

Recommendation

That the minutes of the Burdekin Cultural Advisory Group Meeting held on 15 July 2019 be received and adopted.

MINUTES
BURDEKIN CULTURAL ADVISORY GROUP MEETING
HELD AT ERNIE FORD BOARD ROOM
On 15 July 2019
COMMENCING AT 3.30 PM

ATTENDANCE

Councillors Sue Perry and John Woods

Mrs Treena List – Community Member
Dr. Brian Glover – Community Member
Mr. Chris Patrick – Cultural Venues Manager
Mr. David Cornwell – Manager Community Services

Minutes Clerk – Miss Laura Cox

Apologies – Councillor Lyn McLaughlin, Mrs Jocelyn Defranciscis - Burdekin Memorial Hall Committee, Mrs Cheryl Platt - Friends of the Burdekin Theatre, Mr. Nick O'Connor – Director Corporate and Community Services

1. OPENING OF MEETING

Cr. Sue Perry chaired the meeting and welcomed all members.

2. APOLOGIES

Apologies as listed were noted.

3. NEW MEMBERS

Discussion was held on the appointment of new members with the recent resignation of Mr. Peter Pattinson from the group.

It was suggested that approaches be made to the Burdekin Youth Council and the owner of Perform Music to see if they have anyone interested in joining the group.

4. MINUTES AND BUSINESS ARISING

Recommendation

That the minutes of the Burdekin Cultural Advisory Group Meeting held on 13 May 2019 be received as a true and correct record.

Resolution

Moved Cr. Woods, seconded Dr. Glover, that the recommendation be adopted.

CARRIED

5. CULTURAL VENUES MANAGER'S REPORT

- (a) Mr. Patrick advised the meeting that the curtain installation at the Memorial Hall was now complete and that the new curtains had improved the look of the hall.

-
- (b) Mr. Patrick expressed his thanks to the Burdekin Memorial Hall Committee for purchasing new blinds for the Minor Hall, a weather awning for the smoking area and a defibrillator.
 - (c) Dr. Glover advised that the recent performance by the Queensland Youth Orchestra at the Theatre was outstanding. He said that a local student, Joshua Mann, played a piano solo on the night.
 - (d) Mr. Patrick updated the meeting on vandalism that had occurred at the Theatre and the surrounding areas. He advised that one of the shade sails in the Theatre Forecourt had been burned. The statue between the Library and the Theatre had also been damaged again.

Discussion was held on the vandalism in the area and the installation of cameras to combat it.

- (e) Mr. Patrick advised that the awning for the smokers' area at the Memorial Hall had arrived and would be erected shortly.
- (f) Mr. Patrick informed the meeting that the recent event, Love Your Sister with Samuel Johnson, was a big success and tickets for the night were sold out.
- (g) Mr. Patrick gave an overview to the meeting on the upcoming event, Legend and the Locals starring Troy Cassar Daley. He advised that this event is part of a tour through Regional Queensland communities with the idea that local artists will get to work with the 'Legend'. The event is free with funding provided by Arts Queensland and will be held in the Theatre Forecourt on Saturday 17 August.
- (h) Discussion was held on employing a trainee at the Theatre. It was noted that casual staff had been appointed in various areas, but a trainee may help to provide support to the technical staff.

6. MEMORIAL HALL TALL SCOPE

Cr. Woods expressed concern regarding the use of the Tall Scope at the Memorial Hall.

Discussion was held on the use of the Tall Scope and the disadvantages to using mobile scaffolding.

Cultural Venues Manager, Mr. Patrick, informed the meeting that he will investigate and pose the question to other Stage Queensland members to get feedback.

7. ORCHESTRAS IN THE BURDEKIN

Dr. Glover raised the possibility of bringing more performers like Queensland Youth Orchestra or Queensland Symphony Orchestra to the Burdekin.

Mr. Patrick gave the meeting an outline as to what would be involved in getting these types of performances to the Burdekin. He will take the request into account when programming in the future.

8. CURTAINS AT THE THEATRE

Manager Community Services, Mr. Cornwell, asked the group to provide advice as to what they would like to do with the old curtains at the Theatre noting that several organisations had been approached and did not want the curtains.

As the Burdekin Christian College were developing their Drama Department it was suggested that they be approached to see if they would like to take the curtains.

Next meeting – Monday 9 September 2019 at 3.30 pm in the John Hy Peake Rooms.

Cr. Perry
ACTING CHAIRMAN

ACTION ITEMS

Meeting	Action required	Person/s responsible	Status

3.3 Burdekin Shire Youth Council Meeting Minutes - 19 August 2019

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 19 August 2019 be received and adopted.

Burdekin Shire Council

Minutes – Burdekin Shire Youth Council Meeting held on 19 August 2019

Held in the John Drysdale Chamber
The meeting commenced at 3.30pm

CLAUSE 1 ATTENDANCE

Sarah McDonnell – Youth Mayor
Emily Holmes – Deputy Youth Mayor
Aidan Crossland – Ayr State High School
Cleo Delle Baite – St Francis Primary School
Eddie Jones – Ayr State High School
Jessica Holmes – Burdekin Christian College
Mikayla McDonnell – Ayr State High School
Michael Lindley – Brandon State School
Mylee Kovacich – Clare State Primary School
Taryn Delle Baite – Burdekin Catholic High School
Zavier Wood – Ayr State High School

Tammy Quagliata – Burdekin Shire Council

Apologies for absence

Jocelyn Eaton – Secretary
Jake Abraham – Ayr State High School
Lexi Favero – Burdekin Catholic High School
Cr. Lyn McLaughlin – Mayor, Burdekin Shire Council

CLAUSE 2 MINUTES RECEIVED

Moved Eddie Jones, seconded Zavier Wood that the Minutes of the Burdekin Shire Youth Council Meeting held on 22 July, 2019 be received.

CARRIED

CLAUSE 3 BUSINESS ARISING FROM THE MINUTES

- It was noted that Cr. Sue Perry was Acting Mayor when attending the previous Youth Council Meeting on 22 July 2019.
 - Sarah McDonnell reported on her attendance at the Zonta Club Birthing Kit Assembly day.
 - Tammy Quagliata clarified that Burdekin Shire Youth Council provided a letter of support to accompany Burdekin Shire Council's funding application to host the Burdekin Cultural Fair in 2020.
-

CLAUSE 4 CORRESPONDENCE

Inward Correspondence

1. ABC Heywire – Announcing that the ABC Heywire Competition is now open for applications. ABC is calling on people aged 16-22 to share their experience of life in regional Australia for the opportunity to be featured on the ABC and win a lifechanging trip to Canberra for the Heywire Regional Youth Summit in February 2020.
2. Minnie Vo, Young Carer Project Officer, Carers Qld – Advising of the 2019/20 Young Carer Bursary (open to young carers aged 12-25 years who are currently studying school, university, TAFE or an apprenticeship.
3. Emma Fowler-Thomason, Partnerships Manager, Arts Qld – Sharing the opportunity for young people to attend Arts Ablaze Conference as a Youth Delegate in the 'Youth on Fire Program'. Applications close 23rd Aug.

Outward Correspondence

1. To Burdekin Shire Youth Council Members – Encouraging members to volunteer to assist with the Burdekin Festival of Arts which will run from 20-22 Aug 2019 at the Burdekin Theatre.
2. To Sib Rapisarda – Thanking him for his recent support in bidding on the Tim Cahill Signed Shirt, noting that 50% of the proceeds had been donated to Laurie's Love and the other 50% to be utilised by Burdekin Shire Youth Council to host youth events and projects into the future, as well as purchase new shirts for our members.
3. To Regional Arts Service Network – providing a letter of support for their funding application to host a North Qld Arts Camp in Charters Towers in 2020.

Moved Michael Lindley, seconded Mikayla McDonnell that the inward correspondence be received and the outward adopted.

CARRIED

CLAUSE 5 UPDATE ON MENTAL HEALTH WEEK FAMILY MOVIE NIGHT

Tammy Quagliata advised that following advice from Youth Council members regarding the Student's Ball, the family movie night in the Theatre Forecourt would now be held on Saturday 12th October. The event would be hosted by the Burdekin PCYC with support from the Burdekin Library & Burdekin Shire Youth Council as part of Mental Health Week 2019. Youth Council members noted some movie ideas and suggested that pizza and popcorn be sold at the event.

CLAUSE 6 DISCUSSIONS RE DATE FOR FAST TRACK 2020

It was noted that similar to this year, April was going to be a difficult month to host the Fast Track Talent Showcase in 2020 due to school holidays, public holidays and long weekends. Discussion was held on alternative dates to host the event, ensuring that it did not clash with any other community events.

Following further discussions, it was agreed that the 2020 Fast Track Talent Showcase be held on Saturday 21st March. It was noted that marketing of the event would need to start as soon as school returned in 2020.

CLAUSE 7 YOUTH COUNCIL UPCOMING COMMUNITY EVENTS

Community Christmas Carols – Sunday 8th December 2019

Tammy Quagliata noted that the Community Christmas Carols would be held on Sunday 8th December this year. Youth Council members were asked to provide feedback or advise new ideas for the upcoming event. It was noted that members usually assist with handing out of Santa's gifts at the event.

Burdekin School Food Stall at Burdekin Water Festival – Saturday 14th September 2019

Tammy Quagliata advised that the Burdekin School had contacted Youth Council with regard to volunteers to assist at their food stall during the Burdekin Water Festival Mardi Gras. Members were asked to volunteer 1 hour of their time between 5.30pm & 8.30pm to assist the group. Information would be distributed via email and members to RSVP as soon as possible.

Official Opening of Plantation Park Nature Play & Visitor Information Centre – Sunday 1st September 2019

Youth Council members were invited to attend the official opening of the new Plantation Park Nature Play and Visitor Information Centre to be held on Sunday 1st September from 10am to 12pm. Members were asked to assist with serving of the cake and handing out of giveaways at the event. Information will be emailed to all members.

CLAUSE 8 UPDATE ON NEW BURDEKIN SHIRE YOUTH COUNCIL LOGO DESIGN

Updated logos were tabled for the group to consider. Members voted on the preferred option and it was noted that Tammy would arrange the order of new shirts with the logo as soon as possible. It was hoped that the new shirts would arrive in time for the Community Christmas Carols event.

CLAUSE 10 GENERAL BUSINESS

1. Youth Council members were each given the opportunity to give an update on something happening within their schools, sporting clubs or community.
 2. Tammy Quagliata advised that Youth Council has received a badge order from the Lower Burdekin Home for the Aged. Members were asked to stay back at the conclusion of the meeting to assist with making the badges.
-

NEXT MEETING – 16th September, 2019

There being no further business, the meeting closed at 4:30pm

Sarah McDonnell
YOUTH MAYOR

Meeting Minutes taken by Tammy Quagliata.

4 REPORTS

4.1 Council Workshops - August 2019

Document Information

Referring Letter No: N/A

File No: 1394

Name of Applicant: N/A

Location: N/A

Author and Title: Mr. Terry Brennan – Chief Executive Officer

Executive Summary

The Council conducted workshops on 6 and 20 August 2019 with a range of policy and operational issues discussed.

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

Recommendation

That the report on the Council workshops held on 6 and 20 August 2019 be received and noted.

Background Information

In the later part of 2016 the Council adopted governance arrangements based on holding Council meetings on a fortnightly basis each month, with the exception of December and January each year. In conjunction with this decision it also agreed to conduct workshops with councillors on the alternate week to scheduled Council meetings.

During the past month workshops were held on 6 and 20 August 2019. The workshops covered a range of policy and operational issues. A brief summary of the issues discussed at the workshops is outlined below:

6 August 2019

- Request for General Rate Remission – RSL Qld (Young St units)
- Jerona Road Bitumen Sealing – Preliminary Design
- Mount Inkerman Walking Trail extension
- Council Drone – Progress update and flight footage
- Comprehensive Insurance of Council Fleet and 2019/20 Plant acquisition and disposal
- Social Media – A Guide for Elected Council Members in Queensland
- Draft Project Plan – Burdekin Theatre refurbishment
- Council's Insurance arrangements

-
- Operational Plan Q4 report
 - Council's Business Continuity plan
 - Fiveways Roundabout resumptions
 - Electric Car Recharge facilities

20 August 2019

- Council Customer Service Charter
- Road Standard Cross Sections
- Parks and Gardens capital projects
- Treatment of Caravans not located in caravan parks and camping grounds
- Proposal for animal compliance decals on Animal Management vehicles
- Revised Environmental policy
- Stakeholder identification – Burdekin Theatre refurbishment
- Nomination of Charity- Melbourne Cup National Sweep Barrier Draw
- Council representation – LGAQ Annual Conference

Link to Corporate/Operational Plan

5.3.1 Demonstrate open and transparent leadership

Consultation

Consultation was undertaken with various parties in the presentation of the workshop topics.

Legal Authority or Implications

N/A

Policy Implications

Any policy proposals are subsequently referred to a Council meeting via a report for consideration and if approved adoption.

Financial and Resource Implications

As highlighted in the workshop presentations.

Report Prepared By:

Mr. Terry Brennan – Chief Executive Officer

Report Authorised By:

Mr. Terry Brennan – Chief Executive Officer

Attachments

N/A

5 GOVERNANCE

6 ENVIRONMENTAL AND HEALTH SERVICES

7 CLIENT SERVICES

8 FINANCIAL & ADMINISTRATIVE SERVICES

9 OPERATIONS

10 TECHNICAL SERVICES

11 PLANNING & DEVELOPMENT

11.1 Request for a Negotiated Decision Notice 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)

Document Information

Referring Letter No: 1542974

File No: 226 (MCU18/0009)

Name of Applicant: Burdekin Transport Services

Location: Haughton River and Road Reserve adjacent to 1004 Upper Haughton Road, Upper Haughton (Lot 64 on CP868133 and Lot 13 on SP113329)

Author and Title: Mr. Marty Pearce – Planning Officer

Executive Summary

Council issued a Decision Notice for the sand extraction on 28 May 2019. RPS on behalf of their client Burdekin Transport have made representations on several conditions in accordance with *section 75 of the Planning Act 2016* and have requested Council issue a Negotiated Decision Notice with amended conditions.

Recommendation

That Council issue a Negotiated Decision Notice to for a 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) subject to the following changes to specific conditions:

Condition 10.1

Condition currently reads:

The applicant will construct a new intersection where the proposed haul road meets Upper Haughton Road.

Representation from applicant:

Request to delete the condition as the intent of this condition is addressed in the proposed changes to condition 10.2.

Recommendation:

Condition to remain. Council Officers are recommending that there be no change to condition 10.2, therefore this condition will remain unchanged.

Condition 10.2

Condition currently reads:

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.

Representation from applicant:

The applicant seeks to negotiate the pavement standard of upgrades to the intersection of the haul road and Upper Haughton Road as they consider the pavement standard to be in excess of what is reasonable or required for the intersection. The applicant has submitted a report from their RPEQ, Steve McKenzie Consultant Engineer (SMCE) who has reviewed the above condition and in summary concluded that a lesser standard of pavement surfacing is a suitable alternative for the intersection upgrade.

Recommendation:

Condition to remain: On review Council Officers advised the applicant that their alternative standard upgrade to the intersection would be accepted with the stipulation that a bond of \$30,000 be lodged with Council. The bond would be included as part of the condition to ensure that if any damage was to occur to the upgraded intersection due to haulage vehicle movements and the potential shear stress on the road surface, the bond could be called upon to repair any damage incurred.

The applicant did not accept the bond and specified that the costs of the upgrade should be considered more than a reasonable and relevant imposition on the development. Council Officers are recommending that there be no change to condition 10.2.

Condition 10.3

Condition currently reads:

Upgrade the existing track within the unnamed road reserve to ensure minimum site distance and turning radii meet safety standards.

Representation from Applicant:

The applicant provided an amended condition referencing drawings endorsed by their RPEQ, SMCE that implement signage and speed control measures to meet safety standards that will reduce the risk to users of the Road. The representations also suggest that utilising these methods will reduce the requirement for vegetation clearing.

Recommendation:

Amend the condition to read as follows:

The applicant shall implement signage and speed control measures in accordance with "Haul Access Road Layout Conflict Point 1 improvements", drawing number C04.1, rev A, dated 5/07/2019 and "Haul Access Road Layout Conflict Point 2 improvements", drawing number C05.1, rev A, dated 5/07/2019 to meet safety standards.

Condition 10.4

Condition currently reads:

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.

Representation from Applicant:

The applicant requests to delete this condition as they state in their representations that this condition is not reasonable or a relevant imposition on the proposed development, given the intersection upgrades also conditioned. The applicant estimates that the upgrades are to be in the order of \$25,000.00.

They consider that together, the 31 cents/tonne maintenance cost and the intersection upgrade are in excess of what is considered reasonable for the proposed extraction.

Recommendation:

Condition to remain. The proposed development will result in additional heavy vehicle traffic on sections of the local road network. In particular, the 10km section of the Upper Haughton road between the proposed development and the national highway. The \$0.31/tonne reflects the accelerated consumption of economic life of the road pavement as a result of the increased traffic loading. The proposed sand extraction directly changes the existing traffic movements at the intersection from through traffic to predominately turning heavy traffic, subsequently adding additional shear forces and damage to the seal. The 31 cents/tonne is used to contribute to the maintenance of the remaining road network influenced by the additional traffic loadings, not just the intersection. Council Officers are recommending that there be no change to condition 10.4.

Condition 12.1

Condition currently reads:

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.

Representation from Applicant:

The applicant requests that this condition be deleted as it duplicates the record keeping provisions that are required by the State as part of the Environmental Authority and Quarry Material Allocation Notice.

Recommendation:

Delete condition 12.1. Agreed that condition can be removed.

Background Information

Burdekin Shire Council acting as assessment manager approved and issued a Development Permit on 31 May 2019. The approval was for an Extractive Industry at Haughton River and Road Reserve adjacent to 1004 Upper Haughton Road with the applicant being Burdekin Transport Services. Using the relevant provisions of the Planning Act 2016, the applicant has suspended their appeal period and made representations on specific conditions imposed as part of an original Development Permit issued.

Council's Development Assessment Team (DAT) has considered these representations and through additional discussions with the applicants' consultants has recommended some

minor changes as depicted in this report. All other conditions will remain unchanged in any Negotiated Decision Notice issued.

In making the recommendation, officers have considered the outcomes associated with the changes and are confident that the recommendation contains amended conditions that are relevant to but not an unreasonable imposition on the proposed development. The major objective when considering the changes was to have a high regard for any potential further challenge from both the applicant and/or any submitter to the development application.

Link to Corporate/Operational Plan

N/A

Consultation

All relevant Council Departments have been consulted. Comments and /or amended development conditions will be included as part of any Negotiated Decision Notice issued

Legal Authority or Implications

A potential risk is present for any Impact Assessable Development Application 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.

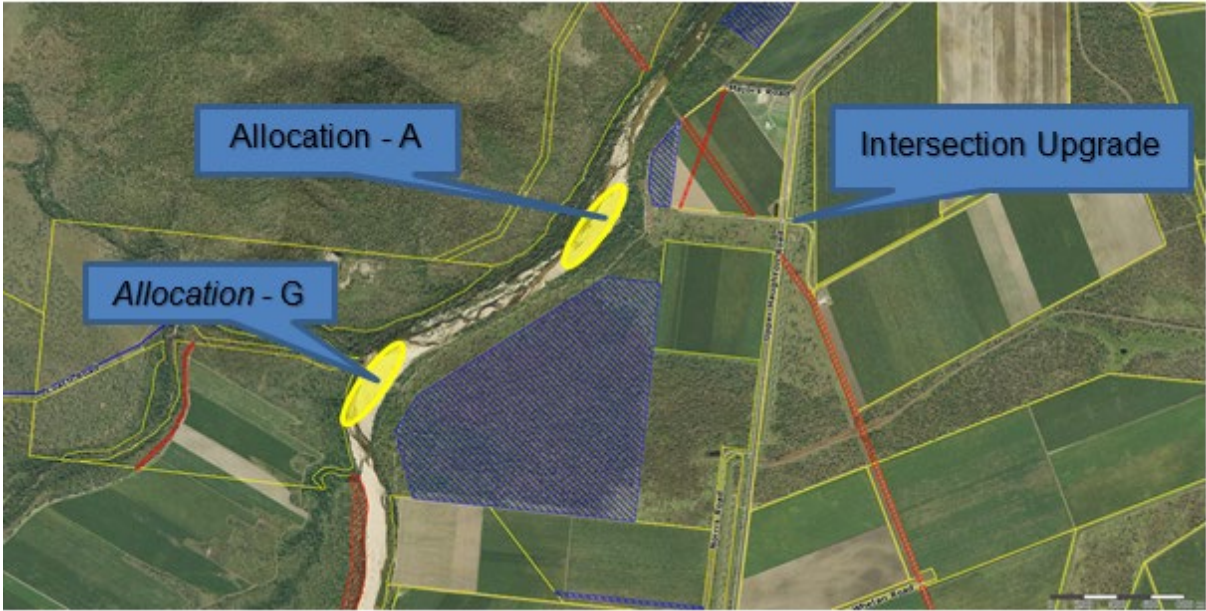
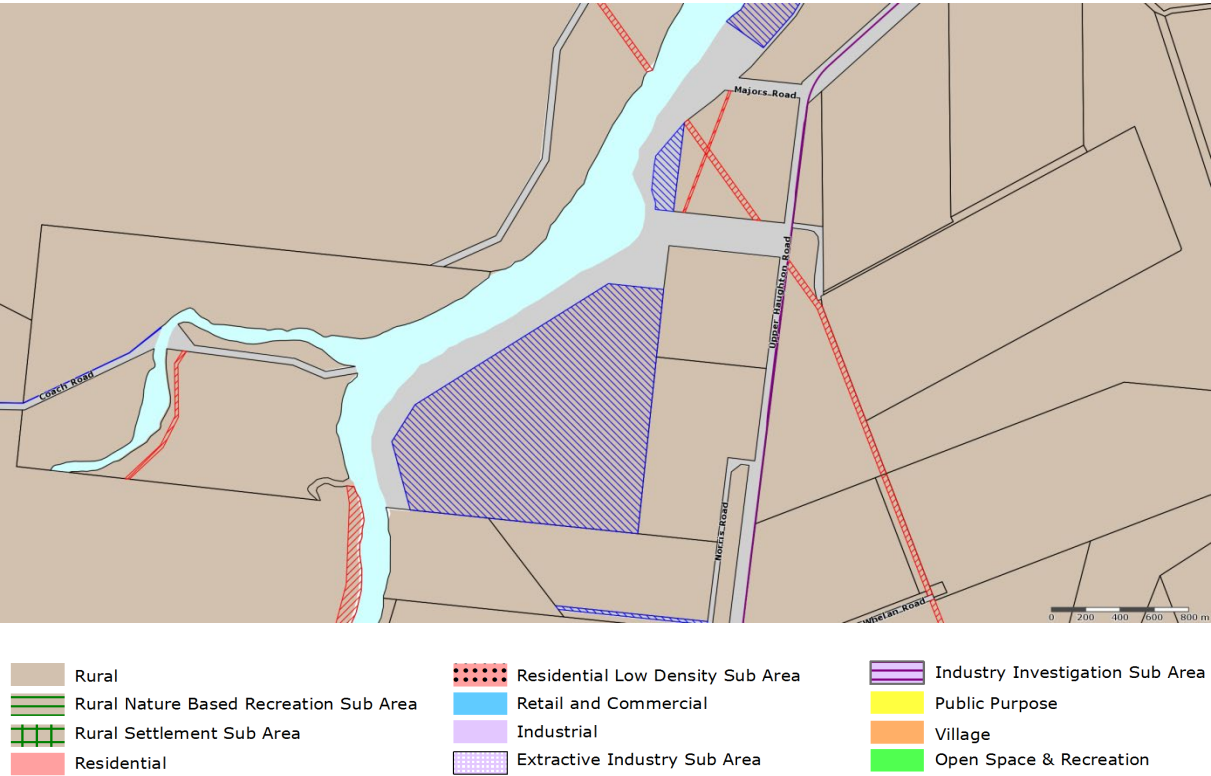
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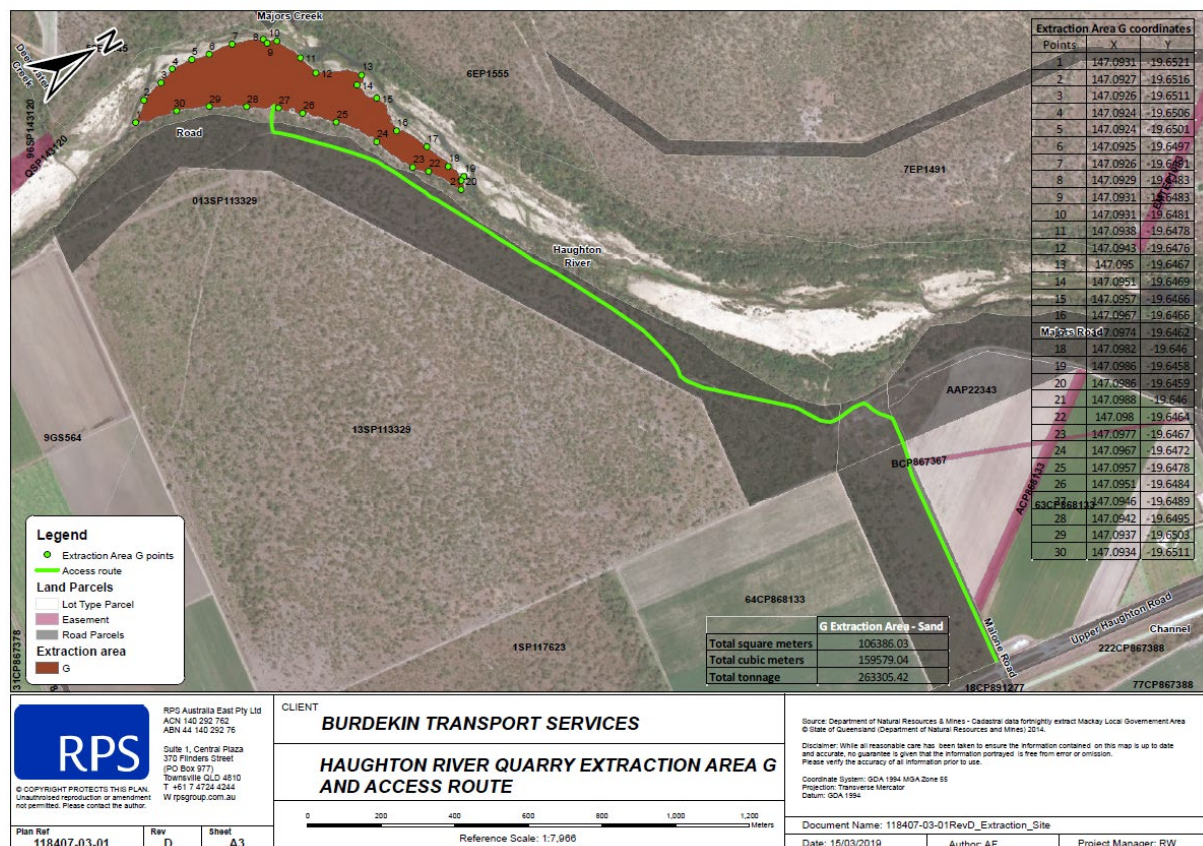
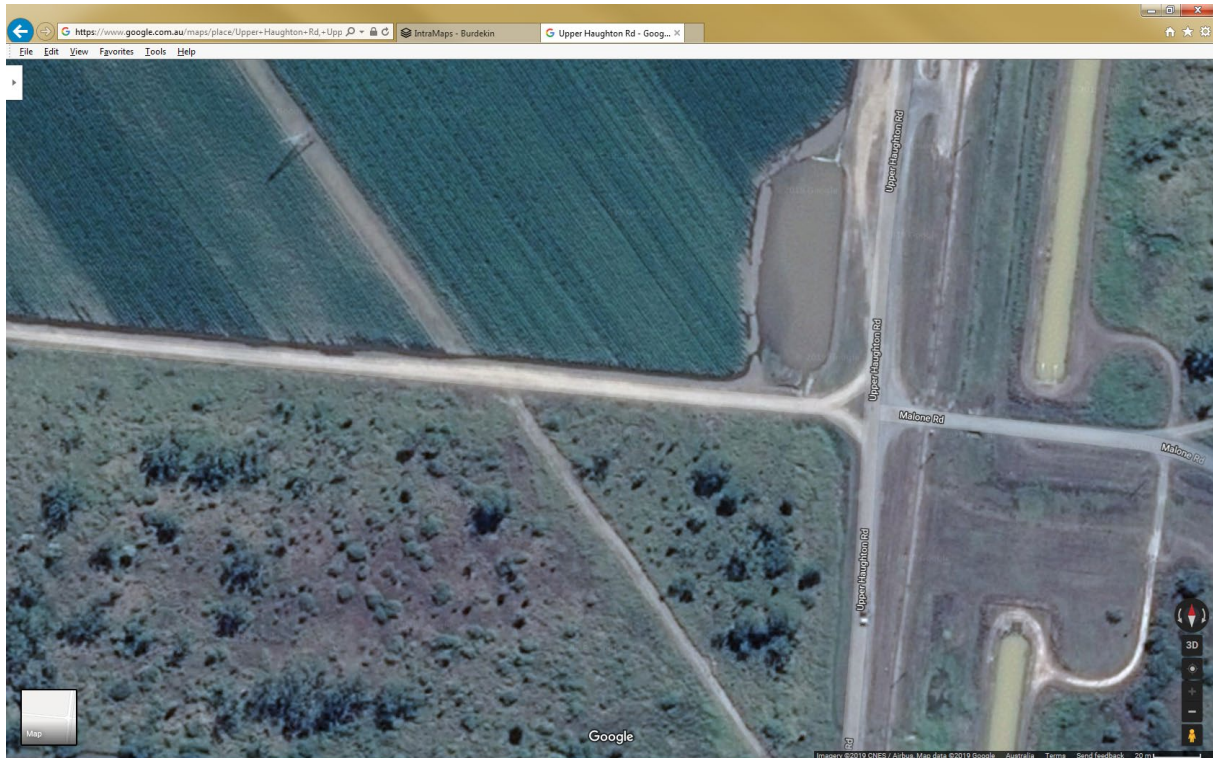
Mr. Marty Pearce – Planning Officer

Report Authorised By:

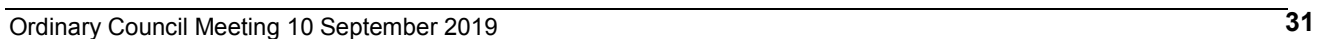
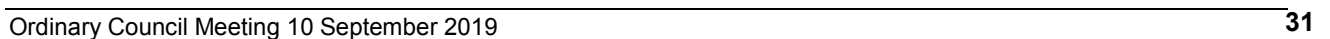
Mr. Nick Wellwood – Director Infrastructure, Planning and Environmental Services

Attachments





Ordinary Council Meeting 10 September 2019



12 COMMUNITY DEVELOPMENT

13 ECONOMIC DEVELOPMENT

14 NOTICES OF MOTION

15 CORRESPONDENCE FOR INFORMATION

Tabled Separately

16 GENERAL BUSINESS

17 CLOSED MEETING ITEMS

18 DELEGATIONS

