



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 10 September 2019

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 10 SEPTEMBER 2019

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ATTENDANCE

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

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

Mr. D. Cornwell - Manager Community Services (Part)

Minutes Clerk – Ms. G. Biffanti

Apologies: Councillor A.J. Goddard

1 PRAYER

The meeting prayer was delivered by Reverend Dway Goon Chew of the Anglican Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

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.

Resolution

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

CARRIED

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.

Resolution

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

CARRIED

9.13am – Mr. Cornwell entered the meeting

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.

Resolution

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

CARRIED

4 REPORTS

4.1 Council Workshops - August 2019

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.

Resolution

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

CARRIED

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)

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, Upper Haughton.

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, Upper Haughton 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 four 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, Upper Haughton 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 Registered Professional Engineer of Queensland (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 representation also suggests 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, revision A, dated 5 July 2019 and “Haul Access Road Layout Conflict Point 2 Improvements”, drawing number C05.1, revision A, dated 5 July 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, Upper Haughton. 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.

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, Upper Haughton between the proposed development and the National Highway. The 31 cents/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.

Resolution

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

FOR: Councillors McLaughlin, Perry, Woods and Bawden

AGAINST: Councillors Liessmann and Bonanno

4/2

CARRIED

12 COMMUNITY DEVELOPMENT

13 ECONOMIC DEVELOPMENT

14 NOTICES OF MOTION

15 CORRESPONDENCE FOR INFORMATION

9.32am – Mr. Great left the meeting.

16 GENERAL BUSINESS

16.1 Sixteenth Street Home Hill - Road Reconstruction

Councillors discussed recent comments by Councillor Liessmann in relation to the Sixteenth Street, Home Hill Drainage Upgrade Project.

Officers advised Councillors that this issue was discussed at a Council Workshop held on 5 March 2019, whereby it was concluded that Council has sufficient funds available in the 2018/2019 Capital Works Program to complete Phase 1 of the Project which was to install underground drainage pipes and this work had been completed.

Phase 2 of the project will require the installation of open channel design to be considered in future Capital Works Programs.

16.2 Jones Street Depot Fencing

Mr. Wellwood advised that tenders for the fencing for the Jones Street Depot have been awarded and work will commence on the 21 September 2019 and completed by 1 October 2019.

16.3 Approved Leave of Absence - Councillor Perry - 20 September to 8 October 2019

Resolution

Moved Councillor Woods, seconded Councillor Liessmann that Councillor Perry be granted an approved leave of absence from 20 September to 8 October 2019.

CARRIED

17 CLOSED MEETING ITEMS

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

Resolution

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

275(1)(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

For the purpose of discussing:

- Update of Water Supply situation
- ANZAC Park Masterplan

CARRIED

10.17am Meeting adjourned for Morning Tea

Council Meeting opened to Public

Resolution

Moved Councillor Bonanno, seconded Councillor Woods that the Council meeting be opened to the public.

CARRIED

17.1 ANAZC Park Masterplan

Council endorsed the proposed approach to community and Stakeholder consultation on the draft master plan for ANZAC Park.

18 DELEGATIONS

There being no further business the meeting closed at 11.30am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 24 September 2019.

MAYOR

