



Redland
CITY COUNCIL

AGENDA

SPECIAL MEETING

**Thursday, 13 March 2014
commencing at 8.30am**

**The Council Chambers
35 Bloomfield Street
CLEVELAND QLD**

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1 DECLARATION OF OPENING

On establishing there is a quorum, the Mayor will declare the meeting open.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

Motion is required to approve leave of absence for any Councillor absent from today's meeting.

3 MATERIAL PERSONAL INTEREST AND CONFLICT OF INTEREST

Councillors are reminded of their responsibilities in relation to a Councillor's material personal interest and conflict of interest at a meeting (for full details see sections 172 and 173 of the *Local Government Act 2009*). In summary:

If a Councillor has a material personal interest in a matter before the meeting:

The Councillor must—

- *inform the meeting of the Councillor's material personal interest in the matter; and*
- *leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.*

The following information must be recorded in the minutes of the meeting, and on the local government's website—

- *the name of the Councillor who has the material personal interest, or possible material personal interest, in a matter;*
- *the nature of the material personal interest, or possible material personal interest, as described by the Councillor.*

A Councillor has a **material personal interest** in the matter if any of the following persons stands to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting—

- (a) the Councillor;
- (b) a spouse of the Councillor;
- (c) a parent, child or sibling of the Councillor;
- (d) a partner of the Councillor;
- (e) an employer (other than a government entity) of the Councillor;
- (f) an entity (other than a government entity) of which the Councillor is a member;
- (g) another person prescribed under a regulation.

If a Councillor has a conflict of interest (a real conflict of interest), or could reasonably be taken to have a conflict of interest (a perceived conflict of interest) in a matter before the meeting:

The Councillor must—

- *deal with the real conflict of interest or perceived conflict of interest in a transparent and accountable way.*
- *Inform the meeting of—*
 - (a) *the Councillor's personal interests in the matter; and*
 - (b) *if the Councillor participates in the meeting in relation to the matter, how the Councillor intends to deal with the real or perceived conflict of interest.*

The following must be recorded in the minutes of the meeting, and on the local government's website—

- (a) the name of the Councillor who has the real or perceived conflict of interest;*
- (b) the nature of the personal interest, as described by the Councillor;*
- (c) how the Councillor dealt with the real or perceived conflict of interest;*
- (d) if the Councillor voted on the matter—how the Councillor voted on the matter;*
- (e) how the majority of persons who were entitled to vote at the meeting voted on the matter.*

*A **conflict of interest** is a conflict between—*

- (a) a Councillor's personal interests (including personal interests arising from the Councillor's relationships, for example); and*
- (b) the public interest;*

that might lead to a decision that is contrary to the public interest.

4 BUSINESS**4.1 OFFICE OF CEO****4.1.1 BARRO GROUP PTY LTD ROAD CLOSURE APPLICATION; UNNAMED LOCAL GOVERNMENT ROAD MOUNT COTTON****Dataworks Filename:** RTT – Road Closures Permanent**Attachment:** [Objection Submission to Barro Road Closure](#)**Responsible/Authorising Officer:****Bill Lyon**
Chief Executive Officer**Author:** **Andrew Ross**
General Counsel

PURPOSE

To adopt the attached Submission to the Department of Natural Resources and Mines (DNRM) regarding the Barro Group Pty Ltd Road Closure application for the unnamed Local Government Road at Mount Cotton.

BACKGROUND

A report was presented to Council on 5 March 2014 identifying some of the background information regarding the Barro Group Pty Ltd application to close the unnamed Local Government Road that commences south of their Mount Cotton Quarry Site, bisects the Quarry and continues north of the Quarry of the Site.

ISSUES

Further background information has been received relevant to the application including:

1. The Rural Fire Service Queensland considered the road closure application and recommended that a bushfire management plan for the area be developed with the opportunity to place roads or fire management control lines/fire breaks in strategic areas adjacent to the perimeter of the land parcels associated with the extraction industry.
2. The 1968 Quarry Development Permit, 1992 Quarry Development Plan and the 1993 Deed of Agreement with the Barro Quarry Pty Ltd which identified the future public use of the road and its realignment around the Quarry perimeter.
3. The historical, current and potential use of the road as a public recreational trail consistent with Council's environmental and connection strategies.

OFFICER'S RECOMMENDATION**That Council resolve to adopt the attached submission.**

5 MEETING CLOSURE

Redland City Council – Objection

Barro Group Pty Ltd - Road Closure Application at
Mount Cotton Quarry : Unnamed Road
DNRM Reference 2013/006982 to 2013/006986

Application: The Department of Natural Resources and Mines (DNRM) informed Council of the Barro Group Pty Ltd application to permanently close the unnamed Local Government Road that commences south of the Barro Group Mount Cotton Quarry site, bisects the Quarry and continues north of the Quarry.

Decision: Council objects to the application to permanently close the road until the applicant realigns an alternative dedicated road around the Quarry pit to function as an environmental trail and fire buffer.

Background: The relevant background information includes:

1. Land Act 1994: the matters the Minister must consider under s99(7) of the *Land Act 1994*, in particular the road is formed and used by the public south of the Quarry across lot 162 on S31962 and is the only dedicated (but mostly unformed) access to private land north of the Quarry which appears to be principally used for recreational activities from adjoining land owners from:
 - a. Lot 1 on RP30627
 - b. Lot 2 on RP30627
 - c. Lot 2 on SP151622

Whilst the access easement is registered to service the northern private lots, the permanent road closure would deprive the public of access to this environmental area and any future expansion of the road network as part of council's connection strategy and bushfire management controls.

2. Statutory and Common Law: The Permanent Road Closure would deprive Council and the community currently and into the future of the statutory and common law rights to use and develop the road for its intended purpose; unless an alternative road is dedicated.
3. Historical Approval: Council issued a planning approval in 1968 imposing the condition "that the vertical alignment of the road is left in such a condition as to be trafficable at a later date". The condition of approval was accepted by the Barro Group Pty Ltd as part of a Deed of Agreement with Council in 1993, which contained a proposed alternative road route around the Quarry.
4. Historical Agreements: The 1993 Deed of Agreement between the Barro Group and Council intended the construction of an alternative road around the quarry site linking the southern and northern areas of the road, as demonstrated on the 1992 Quarry Development Plan. It is acknowledged the location of the alternative road route is unsuitable due to its location between the existing and the recently approved quarry expansion but that other alternative routes be developed.
5. Environmental Trail: The historical, current and potential use of the road as a public recreational trail consistent with Council's environmental and connection strategies.

6. Fire Trail: The road currently bisects the most significant fire risk area on the Redlands mainland and its closure would deprive the development of the road as a future trail. The advice from QFES dated 5 March 2014 states:

I have looked at the maps of the area and consider the road in question would not be functional for firefighting purposes.

- *The road is not serviceable – and would involve considerable expense to establish and maintain for operational firefighting purposes.*
- *There are obstructions along the ridgeline due to building location on private land and the land disturbance/ extraction site.*
- *Wildfire control from the road along the ridge would be considered unsafe especially during times of high to very high fire danger due to factors affecting fire behaviour and the timing associated with controlling a wildfire giving the area, terrain, vegetation, and potential bushfire hazard.*

We would recommend that a bushfire management plan for the area be developed with the opportunity to place roads or fire management control lines/fire breaks in strategic areas adjacent to the perimeter of the land parcels associated with the extraction industry.

.....
Chief Executive Officer

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Date

Redemap Aerial Map – Roads, Easements, Fire Hazard

