



BURDEKIN SHIRE COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

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

on 26 November 2013

COMMENCING AT 9:00AM

At this meeting contributions made by members of the public may be recorded by way of audio recording which will be used for the purpose of developing minutes of the meeting and decision making of Council. Burdekin Shire Council is bound by the Information Privacy Act 2009 to protect the privacy of personal information.

Under Local Law 1 Section 35(3) a person must not make an audio or video recording of a local government meeting, a standing committee meeting, a special committee meeting or an advisory committee meeting unless the chairperson at the meeting gives consent in writing to the recording of the meeting.

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



TUESDAY 26 NOVEMBER 2013

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1 PRAYER

2 DECLARATIONS OF INTEREST

3 MINUTES AND BUSINESS ARISING

3.1 Minutes - Ordinary Council Meeting - 12 November 2013

Recommendation

That the minutes of the Ordinary Council Meeting held on 12 November 2013 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 12 November 2013

COMMENCING AT 9:00AM

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TUESDAY 12 NOVEMBER 2013

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Ordinary Council Meeting 12 November 2013



BURDEKIN SHIRE COUNCIL



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ATTENDANCE

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

Mr. K. Holt - Chief Executive Officer
Mr. D.P. Mulcahy - Director Corporate and Community Services
Mr. T.G. Williams - Director Environment and Operations
Mr. S. Great - Manager Planning and Development
Mrs B. Whitworth - Manager Environment and Health
Mr. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services

Minutes Clerk - Miss S. Cronin

1 PRAYER

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

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor McCathie declared a material personal interest in respect of item 5.1 as the applicant is a client of her business, McCathies Real Estate.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 8 October 2013

Recommendation

That the minutes of the Ordinary Council Meeting held on 8 October 2013 be received as a true and correct record.

Resolution

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

CARRIED

3.8 Upgrade of Woods Road and Groper Creek Roads Intersection Remain in Current Works Programme

Resolution

Moved Councillor Loizou, seconded Councillor McCathie that Council takes no action on resolution 10.1 of the Ordinary Council Meeting held on 8 October 2013 and the upgrade of Woods Road and Groper Creek Roads intersection remain in the current works programme.

CARRIED

3.2 Burdekin Shire Youth Council Meeting Minutes - 2 September 2013

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 2 September 2013 be received and adopted.

Resolution

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

CARRIED

3.3 Building Safer Communities Action Team Meeting Minutes - 11 September 2013

Recommendation

That the minutes of the Building Safer Communities Action Team Meeting held on 11 September 2013 be received and adopted.

Resolution

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

CARRIED

3.4 Community Carols by Candlelight Committee Meeting Minutes - 17 September 2013

Recommendation

That the minutes of the Community Carols by Candlelight Committee Meeting held on 17 September 2013 be received and adopted.

Resolution

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

CARRIED

3.5 Burdekin Be Active Advisory Committee Meeting Minutes - 2 October 2013

Recommendation

That the minutes of the Burdekin Be Active Advisory Committee Meeting held on 2 October 2013 be received and adopted.

Resolution

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

CARRIED

3.6 Building Safer Communities Action Team - 9 October 2013

Recommendation

That the minutes of the Building Safer Communities Action Team Meeting held on 9 October 2013 be received and adopted.

Resolution

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

CARRIED

3.7 Local Disaster Management Group Meeting Minutes - 18 October 2013

Recommendation

That the minutes of the Burdekin Shire Council Local Disaster Management Group Meeting held on 18 October 2013 be received and adopted.

Resolution

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

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 30 September 2013

Recommendation

That the Capital Projects Monthly Report for Period Ending 30 September 2013 be received.

Resolution

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

CARRIED

4.2 Operating Statement for Period Ending 30 September 2013

Recommendation

That the Operating Statement for Period Ending 30 September 2013 be received.

Resolution

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

CARRIED

5 ENVIRONMENT & OPERATIONS

5.1 Meeting report for Tony Felesina - Development Application Material Change of Use for an Independent Living Accommodation at 56-58 Chippendale Street, Ayr (Lot 17 on RP702334 Parish of Antill, County of Gladstone)

Councillor McCathie declared a material personal interest in respect of this item as the applicant is a client of her business, McCathies Real Estate and left the meeting.

Executive Summary

An application has been received from Tony Ferraris on behalf of his client seeking approval for a Material Change of Use for an Independent Living Accommodation at 56-58 Chippendale Street, Ayr (Lot 17 on RP702334 Parish of Antill, County of Gladstone). A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

Recommendation

That Council approves the Development Application for a Material Change of Use for an Independent Living Accommodation at 56-58 Chippendale Street, Ayr (Lot 17 on RP702334 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.

APPROVED USE

- 2.1 The approved use of Accommodation Facility means the premises (identified in the Approved Plans) operating as an integrated residential facility for supervised residential accommodation of persons with special needs (Disability or Health issues).

The use includes ancillary:

- Accommodation/Office uses for employed staff; and

The use excludes any independent Multiple Dwelling, Duplex and Dual Occupancy use.

- 2.2 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 approved plans listed below submitted by 'Tony Ferraris Consulting Building Design' except where modified by the conditions of this Development Permit and any approval issued there under.

| Project | Drawing No. and Issue | Date |
|----------------------------------|------------------------------|-------------|
| Independent Living Accommodation | A01 issue P5 | 14/08/2013 |
| Independent Living Accommodation | A02 issue P5 | 14/08/2013 |

BUILDING WORK

3. A development permit for Building Works is to be obtained before any building works are carried out on the premise. Proposed buildings to be constructed within allowable setbacks must achieve acceptable solutions in accordance with the requirements of Section C; Building Code of Australia – (Siting provisions and fire resistance)

EXTERNAL WORKS

4. 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

- 5.1 Parking shall be provided generally in accordance with the approved plan from Tony Ferraris Consulting Building Design A01 issue P5.
- 5.2 Parking space and layout must be designed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards of the Planning Scheme.
- 5.3 Access to the premises, car parking and manoeuvring areas must be constructed in an all weather low glare paving, exposed aggregate concrete or similar material to the satisfaction of the Chief Executive Officer.
- 5.4 Access to the proposed development is by left turn in only. Egress is by way of left turn out only.

ROADWORKS

- 6.1 Extend the existing concrete footpath (100mm thick, F62 mesh, 25mpa) for the full length of the Chippendale Street frontage of the development. The footpath is to be the same width as the existing footpath.
- 6.2 Construct a minimum 6m wide industrial crossover (150mm thick, 32 mPa concrete, F72 mesh) from the invert of the existing kerbing and channeling to the property boundary and re-profile the footpath each side of the proposed driveway to comply with the Disability Discrimination Act.
- 6.3 Provide to Council prior to the commencement of works a cross section 1:50 natural scale from the side of Chippendale Street to the property boundary showing existing and design levels for the crossover in condition 5.2.

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.

OPERATIONAL WORKS

- 8. An approval under the Sustainable Planning Act must be obtained for Operational Works. The Operational Works application shall include plans and specifications for works addressing the performance outcomes stated in State Planning Policy 4/10, Appendix 1, Part A.

SEWERAGE SUPPLY WORKS

9. The development must be serviced by the Council's reticulated sewerage system. The sewerage connection is to be provided at a location approved by Council. The developer shall bear the costs of design and construction associated with such connections including any alterations or upgrades to Council's existing infrastructure.

WATER SUPPLY WORKS

10. The development must be connected to Council's reticulated water supply. The water connection must be provided at a location approved by Council and at the full cost of the developer.

AMENITY – SCREEN FENCING

11. A 1.8m high screen fence must be provided along the adjoining property boundaries. The fence must be designed to achieve an adequate level of privacy for inhabitants and neighbours. The type and design must be submitted and approved by the Chief Executive Officer prior to construction of the screen fence.

LANDSCAPING AND SCREENING

12. A landscaping plan shall be submitted and approved by the Chief Executive Officer. This plan must be prepared by a landscape architect or other suitably qualified and experienced person detailing the following;
- the location of existing and proposed plantings;
 - landscaping of the designated areas generally in accordance with the approved plans;
 - proposed fencing and screens, including rubbish bin enclosures;
 - location of public infrastructure.

ENVIRONMENT AND HEALTH

- 13.1 An enclosed area of suitable size shall be provided at ground level to store the number of wheelie bins required to service this site.

The area shall:

- Be of adequate size for the storage of up to 13 mobile refuse bins and 13 recycling bins;
- Have a floor which is raised, imperviously paved and suitably drained to Council's sewer, via an approved bucket trap or otherwise in accordance with Council's Trade Waste Policy;
- Be enclosed with walls to a height of approximately 1.2m;
- Provide an individual area of not less than 550mm wide by 750mm deep for each wheelie bin;
- Be roofed to prevent ingress of stormwater. If not, a first flush diversion valve shall be fitted; and
- Include a suitable hosecock with hose attached, located on an external front corner of the enclosure with dual check valve backflow prevention (RMC No. 7 or equivalent).

-
- 13.2 The premises must be operated and conducted in accordance with local law No. 1 (Administration) 2012 and subordinate Local Law 1.11 Operation of Rental Accommodation 2012. An approval must be granted prior to the use or occupancy of the proposed premises.
- 13.3 Facilities including laundry facilities and kitchen appliances must be supplied in the numbers required by subordinate Local Law 1.11 Operation of Rental Accommodation 2012
- 13.4 Common rooms must be at least the minimum size required by the subordinate Local Law 1.11 Operation of Rental Accommodation 2012.

AMENITY – NOISE

- 14.1 The use of the development must not cause an unreasonable nuisance to the surrounding area.
- 14.2 The operator of the Accommodation Facility must keep a Complaints Register on the land at all times, for the inspection of an authorised officer of the Council identifying:
- The time, date and detail of any complaint made to the operator relating to the use and occupation of the Accommodation facility; and
 - Any action or response taken by the operator to rectify or reasonably deal with the complaint.

ADVICE (Note: These are not conditions)

- Earthworks
- If the development of the subject property requires soil to be imported or exported, the developer must identify the allotments which would be used for borrowing or filling and must obtain Council approval for such works in addition to engineering approval for the development. In this regard, the developer must obtain Council approval for the route of transport, the period and time of transport during the construction phase of the development.
- Plans supplied for the purpose of obtaining planning consent have not been approved for the purpose of approval pursuant to Local Law 1.11 Operation of Rental Accommodation 2012.

Resolution

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

CARRIED

Councillor McCathie returned to the meeting.

5.2 Proposed Road Closure, Cromarty

Executive Summary

Mr Stanley has requested council's view on the temporary closure of the unformed road adjoining his property at Cromarty.

Recommendation

Council resolves not to support the closure of the road adjoining the western boundary of Lot 1 RP736785

Resolution

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

CARRIED

Councillors Liessmann and Bawden voted against the motion.

5.3 Approved Inspection Program - Animals and Mosquitoes 2013

Executive Summary

The Approved Inspection Program for animals has been completed with 1576 properties inspected for compliance with Council's *Local Law No. 2 (Animal Management) 2012* and Section 111 *Animal Management (Cats and Dogs) Act 2008*.

The Approved Inspection Program for mosquitoes was run concurrently with the animal program and was conducted in accordance with the *Public Health Act 2005*. The purpose of this program was to check for mosquito breeding or potential mosquito breeding habitats; in particular the dengue mosquito *Aedes aegypti*. An additional 29 commercial premises were inspected for mosquito breeding only.

The Approved Inspection Program ran from 2 March 2013 to June 2013 with a total of 1605 properties inspected for both animals and mosquitoes.

Recommendation

That Council accepts this report.

Resolution

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

CARRIED

6 CORPORATE & COMMUNITY SERVICES

7 CORRESPONDENCE FOR INFORMATION

7.1 Demolition of Ablution Block - Free Camping Area - Giru

Resolution

Moved Councillor Lewis, seconded Councillor Dalle Cort that Council continues with the demolition of the ablution block at the free camping area in Giru (refer letter number 1299722).

CARRIED

7.2 Council to Respond to Mr Ian MacDonald Regarding Ayr CBD

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that the Chief Executive Officer, Mr. Holt writes to Senator Ian Macdonald advising that Council will consider the removal of the steel girders in the CBD upon the time of replacement (refer letter number 1300843).

CARRIED

8 NOTICES OF MOTION

8.1 Approval to Continue Operating Fruit and Vegetable Stall - Plantation Park, Ayr

Recommendation

That approval is given to M & S McLearn to continue operating their fruit and vegetable stall from their current location in Plantation Park, Ayr.

Resolution

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

CARRIED

Councillor Lowis voted against the motion.

8.2 Request for Rates Exemption - Wetlands and Grasslands Foundation

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that:

1. in accordance with Section 93 of the Local Government Act 2009 and Sections 119, 120, 121, and 122 of the Local Government Regulation 2012, Council grants a concession of General Rates, CBD 1 Separate Charge, CBD 2 Separate Charge and Environmental Separate Charge for the 2013/14 financial year on land owned by the Wetlands and Grasslands Foundation, described as Lot 2 RP711417 and Lot 1 RP702122 Parish of Abbotsford on the basis that the Foundation is an entity whose objects do not include the making of a profit and which has a public service element and no cash flow has yet been generated from the property; and
2. Council reviews the granting of any concession of rates for the Wetlands and Grasslands Foundation in respect of the 2014/15 and future financial years.

CARRIED

Councillor Liessmann and Bawden voted against the motion.

8.3 Request for Rates Exemption - North Queensland Competitive Employment Service Ltd

Resolution

Moved Councillor Bawden, seconded Councillor Lewis that Council not grant a concession of General Rates, CBD 1 Separate Charge, CBD 2 Separate Charge and Environmental Separate Charge for the 2011/2012 financial year and subsequent years on land leased by North Queensland Competitive Employment Service Ltd from Burdekin Shire Council, described as Part F Lot 24 SP 156119, Parish of Antill, on the basis that the entity does not rely on volunteers and receives significant government funding.

CARRIED

8.4 Proposed Lease - Burdekin Community Association

Resolution

Moved Councillor Liessmann, seconded Councillor McCathie that:

1. That Council approves in principle to a 12 month lease of The Support Centre building located in Queen Street, Ayr to the Burdekin Community Association Inc. commencing 1 January, 2014 on similar terms to the existing lease; and
2. That Council authorises discussions with the Burdekin Community Association Inc. in relation to possible future lease/tenancy options for the Association.

CARRIED

8.5 Proposed Lease - Burdekin Netball Association

Resolution

Moved Councillor Liessmann, seconded Councillor Dalle Cort that Council agrees to enter into a trustee lease arrangement with the Burdekin Netball Association Inc, for a term of 10 years, for additional land adjoining the existing netball courts (previously Home Hill National Fitness grounds) and described as part of Lot 1 H61685, Parish of Inkerman, containing an area of 2,053sq.metres, noting that the new leased area occupied by Burdekin Netball Association will total 10,017sq.metres.

CARRIED

8.6 Sale and Removal of Council House - Luxton Street, Giru

Resolution

Moved Councillor Lewis, seconded Councillor McCathie that Council accepts the quotation from JW Franks Builder for removal of the Council owned house located at 41 – 43 Luxton Street, Giru, this being the most advantageous quotation received.

CARRIED

8.7 Ayr Transfer Station Gatehouse

Resolution

Moved Councillor Loizou, seconded Councillor Dalle Cort that Council proceeds with the Ayr Transfer Station Gatehouse project via construction of a new block building at the Transfer Station entry point using existing carry over funds and available funds allocated to provide a roof over the recycling area.

CARRIED

9 URGENT BUSINESS

10 GENERAL BUSINESS

10.1 Investigate Road Traffic Management - Queen Street and Chippendale Streets Intersection

Resolution

Moved Councillor Dalle Cort, seconded Councillor Liessmann that the Road Safety Advisory Committee investigates road traffic management at the Queen Street and Chippendale Streets intersection in light of item 5.1 Development Application Material Change of Use for an Independent Living Accommodation at 56-58 Chippendale Street, Ayr.

CARRIED

10.2 Investigate Traffic Management - Plantation Park

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that Council investigates traffic management in Plantation Park adjacent to Gudjuda Cafe.

CARRIED

10.3 Appointment of New Chief Executive Officer

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that in acknowledgement of the Chief Executive Officer, Mr. Ken Holt advising that he is not seeking to renew his contract, a working group be established in conjunction with Council's Human Resources Department immediately to commence a recruitment process.

CARRIED

10.4 Consideration for Cyclone Shelter

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that Council considers a Cyclone Shelter concept at the Showgrounds as a priority over the shelter proposed at the Council Chambers in Young Street, Ayr.

CARRIED

11 CLOSED MEETING ITEMS

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

Resolution

Moved Councillor Loizou, seconded Councillor Lewis 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 service provision by local suppliers.

CARRIED

Council Meeting opened to Public

Resolution

Moved Councillor Liessmann, seconded Councillor Lewis that the Council meeting be opened to the public.

CARRIED

12 DELEGATIONS

10.15am Australian Citizenship Ceremony - Mrs Maria Teresa Martinez Aban, Mrs Jacqueline Bourke, Mrs Naomi Yambaki Brown, Mrs Gurmeet Kaur, Mr Amrinder Singh Raju, Mr Bradenburd Soltura, Mrs Rachel Olano Soltura, Master Ethan Garrett Olano Soltura, Mr Derek Riaan Wheeler, Miss Derette Wheeler, Miss Lynette Wheeler, Miss Rene Wheeler, Mrs Theunette Mary Wheeler.

There being no further business the meeting closed at 12.30pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 26 November 2013.

MAYOR

3.2 Burdekin Shire Youth Council Meeting Minutes - 4 November 2013

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 4 November 2013 be received and adopted.

MINUTES
Burdekin Shire Youth Council Meeting
Monday 4th November, 2013 at 3.30pm

Held in the John Drysdale Chamber, Burdekin Shire Council Ayr
The meeting commenced at 3.30pm

Clause 1 **Attendance**

| | | | |
|------------------------|-----------------------|----------------------|-------------------------|
| Lauren McKaig BSC | Sofia Palombi ASHS | Sophie Mills BCHS | Kerrie Buckland BCHS |
| Breanna Rummeny ASS | Sophie Hancock ASS | Ronan Cowper ASS | |

Apologies for Absence

| | |
|---------------------|------------------------|
| Tony Vaccaro BSC | Taylah Pearson ASHS |
|---------------------|------------------------|

Acronyms

| | | | |
|------|-------------------------------|------|-----------------------|
| BSC | Burdekin Shire Council | ASHS | Ayr State High School |
| BCHS | Burdekin Catholic High School | ASS | Ayr State School |

Clause 2 **Minutes of Previous Meeting**

Moved Lauren McKaig, seconded Sofia Palombi that the minutes of the Burdekin Shire Youth Council Meeting held on the 2nd September, 2013 be received.

CARRIED

Clause 3 **Correspondence Tabled**

1. In-Step – October Newsletter and flyer regarding In-Step Driving School.
2. Queensland Regional Achievement & Community Awards – Youth Leadership nomination – unsuccessful.
3. In-Step – November Newsletter

Moved Breanna Rummeny, seconded Sophie Hancock that the inward correspondence be received and the outward adopted.

CARRIED

Clause 4 **General Business**

Item 1 - Christmas Party

Discussions were held regarding this year's Christmas party and it was agreed that Lauren McKaig contact Startdust Galaxy Cinema about times and prices for a round of mini-golf and a movie.

It was again agreed that Youth Council would pay for each Youth Councillor to bring a friend to the party but that friends would have to buy their own food.

There being no further business, the meeting was closed at 4.00pm.
NEXT MEETING - Monday 2nd December, 2013 at 3.30pm

Lauren McKaig
SECRETARY

CURRENT ACTION ITEMS
Monday 4th November, 2013

| Task | Person Responsible | Status |
|---|---------------------------|---------------|
| Contact Stardust Galaxy Cinema about times and prices for a round of mini-golf and a movie. | Lauren McKaig | |
| Prepare Christmas party invitation. | Lauren McKaig | |

3.3 Burdekin Be Active Advisory Committee Meeting Minutes - 6 November 2013

Recommendation

That the minutes of the Burdekin Be Active Advisory Committee Meeting held on 6 November 2013 be received and adopted.

MINUTES
Burdekin Be Active Advisory Committee
Meeting held on 6th November, 2013

Held in the John Hy Peake Heritage Rooms at the Burdekin Shire Council
The meeting commenced at 3.30pm

Clause 1 Attendance

| | | | |
|---------------------|----------------------|----------------------|---------------------|
| Tony Vaccaro BSC | Lauren McKaig BSC | Charles Ford BMSA | Jody Clouten BSC |
| Luis Bello BCRH | | | |

Apologies for Absence

| | | | |
|----------------------|--|---|-------------------------|
| Daniel Egan ADF | Patrick Shannon <i>First in Physio</i> | Tracy Cheffins TMML | Colin McPherson TMML |
| Debra Cochran BCA | Andrew Sherrington <i>PCYC Burdekin</i> | Melissa Stanford <i>Sport & Rec Services QLD</i> | |

Acronyms

| | | | |
|------|----------------------------------|------|----------------------------------|
| ADF | Australian Drug Foundation | LBHA | Lower Burdekin Home for the Aged |
| BSC | Burdekin Shire Council | BCA | Burdekin Community Association |
| BCRH | Burdekin Centre for Rural Health | TMML | Townsville Mackay Medicare Local |
| BNC | Burdekin Neighbourhood Centre | BMSA | Burdekin Men's Shed Association |
| PCYC | Police, Citizens and Youth Club | | |

Clause 2 Minutes of Previous Meeting

Moved Louis Bello, seconded Charles Ford that the minutes of the Burdekin Be Active Advisory Committee Meeting held on 2nd October, 2013 be received as a true and correct record.

CARRIED

Clause 3 Correspondence Tabled

Inward

1. Queensland Government Department of Health – Letter regarding, and overview of the *Self reported health status (2011-12) report for Local governments areas*.
2. Queensland Government Department of Health – Letter and poster regarding Healthier. Happier. Campaign.
3. Townsville Mackay Medicare Local – Notice regarding Medibank Community Fund (MCF) Community Grants.
4. Townsville Mackay Medicare Local – Invitation to Conversation about Local Healthcare – Burdekin.

Outward

1. Burdekin Be Active members – 2013 Queensland Government Department of Health events calendar.
 2. Burdekin Be Active members – Email requesting suggestions for alternative meeting days/times.
-

-
3. Burdekin Be Active members – Letter regarding, and overview of the *Self reported health status (2011-12) report for Local government areas*.
 4. All Media – Press release “Council signs up to sports program”
 5. Tony Felesina – Email enquiring about date for 2014 Burdekin Sugar Rush.
 6. Fit 4 Life NQ – Invitation to join Burdekin Be Active Advisory Committee.
 7. Burdekin Be Active members – Invitation to Conversation about Local Healthcare – Burdekin.

Moved Tarja Martin, seconded Jody Clouten that the inward correspondence be received and the outward adopted.

CARRIED

Clause 4 **Business Arising from Correspondence**

Item 1 – Obesity Epidemic

The committee discussed the obesity epidemic. Tarja said that information provided at a conference at The Townsville Hospital last year regarding the extent hospitals have to go to when caring for overweight and obese patients was shocking. She said that the ever-evolving equipment necessary for caring for such patients would soon become too expensive for hospitals and this would jeopardise the safety and wellbeing of both health workers and patients.

Luis said that 20 years ago most of the population was dying from starvation but not more people are dying of obesity than starvation.

Tony mentioned the Townsville Mackay Medicare Local's 'Invitation to Conversation about Local Healthcare – Burdekin' forum scheduled for Thursday 14th November 2013. He said that the forum would be a good place to voice the committee's concerns regarding obesity in the Burdekin.

Item 2 – Medibank Community Fund Community Grants

Tony suggested the committee submit a Medibank Community Fund Community Grants application for the Active Parks Program.

Lauren undertook to complete the application.

Item 3 – Health Events Calendar

The committee discussed promoting the upcoming Skin Cancer Action Week. Tarja said major health agencies would have campaigns the committee could further promote through Council. She undertook to obtain promotional material and statistics from the Cancer Council.

Lauren undertook to speak with Council's Media Officer regarding a press release for the national event.

Item 4 – Good Sports Program

Lauren advised that Burdekin PCYC and Burdekin Volleyball had both received Level 1 Accreditation in the Good Sports Program. She also said that the Good Sports Regional Manager was scheduled to meet with Home Hill Tennis Club to sign them up to the program as well.

Clause 5 **General Business**

Item 1 – Burdekin Health and Fitness Expo

Luis addressed the committee with the following ideas for crossfit activities at the Burdekin Health and Fitness Expo:

- Tyre War;

- Tyre Flip, Jump In and Out;
- Bungee Snatch ;
- Tyre Climb and Rope Dismount;
- Pool and Punching Bag activity; and
- Obstacle Course.

After reviewing the specifics of each activity, the committee agreed that the obstacle course was the best option as it could be altered to suit everyone from children to adults, beginners to advanced participants.

The obstacle course will include such activities as jumping in and out of tyres, running through a 'fast ladder', clearing mini hurdles, crawling under an army net, walking along a balance beam and travelling over and under obstacles. The obstacle course will be time based and can be run as an individuals or group event.

Luis undertook to prepare and present a full risk analysis of the obstacle course at the next meeting.

Item 2 – Queensland Week Funding

Tony advised that Council had been successful in its application for 2014 Queensland Week funding and had received \$5000. He said that the committee might be able to use the funding for the Burdekin Health and Fitness Expo providing the event had a Queensland theme.

Item 3 – Sport and Recreation Free Workshops

Tarja said that the Team Management Meeting held at Council in October was very beneficial. She suggested that the Burdekin Be Active Advisory Committee could facilitate quarterly Team Managers meetings where all sporting team and recreational group managers could come together and discuss how to better manage players and participants, and promote teamwork.

The committee agreed to investigate this idea.

Next meeting is Wednesday 4th December, 2013 at 3.30pm

There being no further business, the meeting closed at 4.40pm.

ACTION ITEMS FROM MEETING **Wednesday 6th November, 2013**

| Action | Person(s) responsible | Status |
|--|------------------------------|-------------------------------------|
| Confirm date for Burdekin Sugar Rush with Tony Felesina. | Lauren McKaig | Emailed. |
| Contact interested groups with an update re: Health & Wellbeing Expo | Lauren McKaig | Waiting to hear from Tony Felesina. |
| Submit a Medibank Community Fund Community Grants application for the Active Parks Program | Lauren McKaig | |
| Promote upcoming Skin Cancer Action Week | Lauren McKaig / Julie Davies | |
| Prepare and present a full risk analysis of the obstacle course at the next meeting. | Luis Bello | |

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 31 October 2013

Recommendation

That the Capital Projects Monthly Report for Period Ending 31 October 2013 be received.



**BURDEKIN SHIRE COUNCIL
MONTHLY REPORT - CAPITAL PROJECTS**

Period Ending 31 October 2013

| Budget | Income Actual to Period End | Variance | Description | Budget | Expenditure Actual to Period End | Variance | Comments |
|---|--------------------------------|----------|--|----------------|--|----------|---|
| Director of Corporate & Community Services | | | | | | | |
| 0 | 0.00 | - | 10001 - Ayr Industrial Estate | 0 | 3,023.93 | - | Unbudgeted: Costs associated with fill and compacting |
| 0 | 0.00 | - | 11001 - IT Hardware Purchases | 65,000 | 0.00 | -100% | Budget: Replace existing UPS at Library \$45,000; Replace edge switches (Chambers x 2) \$20,000. Anticipate to place orders prior to Christmas |
| 0 | 0.00 | - | 11006 - IT Communication Purchases | 164,720 | 0.00 | -100% | Budget: PABX Upgrade \$100,000; Replace existing cabling in Chambers \$64,720 - works to complete by 15 November. |
| 0 | 0.00 | - | 11007 - IT Software Purchases | 117,360 | 0.00 | -100% | Budget: AM software \$70,000; ECM Upgrade \$30,000 - planned for the new year; New DNRM Imagery and LIDAR \$17,360 (expected late November) |
| 0 | -6,818.40 | - | 11101 - Burd Theatre Furniture & Fittings Capita | 0 | 6,818.40 | - | Actual: Theatre Background Music System (contribution received from Friends of Theatre) |
| 0 | 0.00 | - | 12031 - Support Centre | 50,000 | 47,157.42 | -6% | Budget: Resheet roof guttering and down pipes and relocate air con plant. Works completed mid October. |
| -81,000 | -22,107.99 | -73% | 12044 - Burdekin Library Other Assets | 90,000 | 20,260.66 | -77% | Budget: Burdekin Library Books |
| -81,000 | -28,926.39 | | Total | 487,080 | 77,260.41 | | |
| Director of Environment & Operations | | | | | | | |
| -762,595 | -33,794.55 | -96% | 20000 - Roadworks | 6,031,990 | 1,053,671.43 | -83% | |
| -3,073,164 | 0.00 | -100% | 27002 - NDRRA - Feb 11 Event | 3,073,164 | 0.00 | -100% | |
| -17,997,820 | 0.00 | -100% | 27003 - NDRRA - Mar 12 Event | 24,468,804 | 4,733,275.57 | -81% | |
| -350,000 | 0.00 | -100% | 27100 - NDRRA - Feb 13 Event | 350,000 | 46,163.93 | -87% | |
| 0 | 0.00 | - | 11003 - Eng Office Equipment Capital Purchases | 11,500 | 0.00 | -100% | |
| 0 | 0.00 | - | 16001 - Ayr Cemetery | 0 | 88,702.34 | - | Ayr Sextons Hut & Sewerage - project completed |
| 0 | 0.00 | - | 16003 - Home Hill Cemetery | 95,000 | 0.00 | -100% | Budget: HH Sextons Hut |
| 0 | 0.00 | - | 16201 - Ayr Transfer Station | 75,000 | 0.00 | -100% | Budget: Roof over recycling areas |
| 0 | 0.00 | - | 16205 - Giru Transfer Station | 10,000 | 0.00 | -100% | Budget: Oil Shed |
| 0 | 0.00 | - | 16208 - Kirknie Landfill | 35,000 | 0.00 | -100% | Budget: Greenwaste Pad |
| 0 | 0.00 | - | 16220 - Kirknie Landfill Cell Liner | 80,000 | 0.00 | -100% | Budget: Cell Liner Design |
| 0 | 0.00 | - | 16301 - Ayr Pool | 37,500 | 0.00 | -100% | Budget: Detail Design (\$112,500 c/o) |
| 0 | 0.00 | - | 16403 - Shed - Brolga Park Giru | 0 | 21,339.54 | - | Unbudgeted: Shed construction completed |
| 0 | 0.00 | - | 16409 - Skate Park - Home Hill | 0 | 75,278.54 | - | Project substantially completed - Budget at CJ16503 |
| 0 | 0.00 | - | 16502 - Plantation Park Irrigation | 0 | 17,657.06 | - | Project substantially completed |
| 0 | 0.00 | - | 16503 - Playground Equipment - Various Parks | 60,000 | 0.00 | -100% | Budget: HH Skate Park - project substantially completed. |
| 0 | 0.00 | - | 16519 - Miscellaneous Park Furniture - Various Parks | 50,000 | 0.00 | -100% | Budget: Misc Park Furniture \$50,000 |
| 0 | 0.00 | - | 23121 - CBD Home Hill Comfort Stop | 0 | 49,924.02 | - | Actual: Refurbishment costs - project proceeding |
| 0 | 0.00 | - | 23250 - Depot/Store Building | 25,000 | 10,518.18 | -58% | Budget: Jones St Depot - Overseers Office - project substantially completed. |
| 0 | 0.00 | - | 23323 - Yellow Gin Creek Alert Station | 0 | 450.00 | - | Project completed |
| 0 | 0.00 | - | 23324 - Reed Beds Alert Station | 0 | 646.85 | - | Project completed |
| 0 | 0.00 | - | 24000 - Drainage Budget | 1,000,000 | 0.00 | -100% | Budget: Major Drainage Schemes \$200,000; Muguira Drain \$500,000; Spiller Street Drainage \$300,000 |
| 0 | 0.00 | - | 24025 - Ayr Town Drain | 0 | 250,663.45 | - | Project 85% complete (carryover funding) |
| 0 | 0.00 | - | 24027 - Brice's Culvert | 0 | 88,284.15 | - | Actual: Relocate Telstra assets |
| 0 | 0.00 | - | 24028 - Home Hill Drainage | 0 | 40,696.08 | - | Actual: Design |
| 0 | 0.00 | - | 24029 - Spiller Street Drainage | 0 | 138,184.01 | - | |
| 0 | 0.00 | - | 24030 - Muguira's Drain | 0 | 16,215.39 | - | |
| 0 | 0.00 | - | 24031 - Home Hill Stormwater Drainage Upgrade | 0 | 46,417.61 | - | |
| -110,000 | -59,545.46 | -46% | 25001 - Sedans | 270,000 | 117,252.26 | -57% | Project commenced |
| -230,000 | -71,818.19 | -69% | 25002 - Utilities | 450,000 | 166,879.29 | -63% | Project commenced |
| -80,000 | 0.00 | -100% | 25003 - Trucks | 380,000 | 0.00 | -100% | |
| -30,000 | -162.73 | -99% | 25004 - Machines | 300,000 | 0.00 | -100% | |
| -30,000 | 0.00 | -100% | 25005 - Plant and Equipment | 249,000 | 0.00 | -100% | |



**BURDEKIN SHIRE COUNCIL
MONTHLY REPORT - CAPITAL PROJECTS**

Period Ending 31 October 2013

| Budget | Income Actual to Period End | Variance | Description | Budget | Expenditure Actual to Period End | Variance | Comments |
|-------------|--------------------------------|----------|--|-------------------|--|----------|---|
| 0 | 0.00 | - | 30000 - Sewerage Construction Budget | 250,000 | 0.00 | -100% | Budget: Replace telemetry sewerage pump stations \$100,000; Misc replacement & refurb \$150,000 |
| 0 | 0.00 | - | 30201 - Pump Station 1 Ayr | 50,000 | 27,066.84 | -46% | Budget: Construct platform & connect generator from Chambers. Actual is for switchboard design, funded by carryover. |
| 0 | 0.00 | - | 30330 - Telemetry - Sewerage | 0 | 39,044.73 | - | Actual: Digital Telemetry Repeater (carryover funding) |
| 0 | 0.00 | - | 30402 - Treatment Plant Buildings Ayr/Brandon | 0 | 6,863.50 | - | Shed Roofing and wall sheeting - project completed. |
| 0 | 0.00 | - | 30410 - Treatment Plant Primary Digester Ayr/Bra | 0 | 124,087.54 | - | Project completed. |
| 0 | 0.00 | - | 31050 - Sewer Reline Project | 500,000 | 0.00 | -100% | |
| 0 | -32,500.00 | - | 35000 - Water Construction Budget | 950,000 | 0.00 | -100% | Budget: Misc Replacement & Refurb \$100,000; Alt Water Supply Sites Rossiters Hill \$300,000; South Ayr WTP Variable Speed Pumps \$100,000; HH WTP Aerator \$450,000 |
| 0 | 0.00 | - | 35116 - Standby Emergency Power Generator Home H | 0 | 13,878.52 | - | Home Hill Water Tower fuel tank - 85% complete |
| 0 | 0.00 | - | 35230 - Telemetry - Water | 0 | 22,250.00 | - | Project commenced. |
| 0 | 0.00 | - | 35302 - Aeration Home Hill Tower | 0 | 9,312.04 | - | Actual: Advertisement, Design, and Construction (carryover funding) |
| 0 | 0.00 | - | 35355 - Valves/Scours Ayr | 0 | 18,224.00 | - | |
| 0 | 0.00 | - | 35901 - Investigation of New Bore Locations | 0 | 19,278.19 | - | |
| 0 | 0.00 | - | 86436 - NDRRA Feb 11 Event - Link Road | 0 | -1,816.97 | - | Incorrect entry to be reversed to operational project. |
| -22,663,579 | -197,820.93 | | Total | 38,801,958 | 7,240,408.09 | | |
| -22,744,579 | -226,747.32 | | TOTAL CAPITAL PROJECTS | 39,289,038 | 7,317,668.50 | | |

4.2 Operating Statement for Period Ending 31 October 2013

Recommendation

That the Operating Statement for Period Ending 31 October 2013 be received.



**BURDEKIN SHIRE COUNCIL
OPERATING STATEMENT
Period Ending 31 October 2013**

| | Note | Actual YTD | YTD Revised Budget | \$ Variance Actual to Revised | % Variance Actual to Revised |
|--|------|----------------------|----------------------|-------------------------------|------------------------------|
| Operating Revenue | | | | | |
| Rates and Utility Charges | 1 | 32,219,644.87 | 33,635,868 | -1,416,223 | -4% |
| Pensioner remissions | | -285,459.61 | -287,000 | 1,540 | -1% |
| User fees and charges | 2 | 1,027,541.61 | 749,433 | 278,108 | 37% |
| Interest Received | 3 | 591,387.05 | 605,333 | -13,946 | -2% |
| Operational contributions and donations | | 21,391.86 | 46,777 | -25,385 | -54% |
| Operational grants and subsidies | 4 | 4,918,273.01 | 1,472,016 | 3,446,257 | 234% |
| Contract and recoverable works | | 124,472.58 | 546,667 | -422,194 | -77% |
| Other operating revenue | 5 | 118,122.20 | 45,203 | 72,919 | 161% |
| Total operating revenue | | 38,735,373.57 | 36,814,297.33 | 1,921,076 | 5% |
| Operating Expenses | | | | | |
| Employee benefits | 6 | 5,903,832.09 | 5,798,298 | 105,534 | 2% |
| Materials and services | 7 | 7,068,016.62 | 5,459,821 | 1,608,196 | 29% |
| Depreciation and amortisation | | 3,073,372.64 | 3,073,373 | 0 | 0% |
| Finance Costs | 8 | 129,906.81 | 347,880 | -217,973 | -63% |
| Other expenses | | -266.54 | 0 | -267 | - |
| Total operating costs | | 16,174,861.62 | 14,679,371.33 | 1,495,490 | 10% |
| Surplus (deficit) from operating activities | | 22,560,511.95 | 22,134,926 | 425,586 | 2% |
| | | | | | |
| Capital contributions | 9 | 7,837.20 | 2,273 | 5,565 | 245% |
| Capital grants and subsidies | 10 | 83,823.99 | 8,921,629 | -8,837,805 | -99% |
| Other capital income (expense) | 11 | 131,526.38 | 0 | 131,526 | - |
| Net result for period | | 22,783,699.52 | 31,058,828 | -8,275,128 | -27% |

BURDEKIN SHIRE COUNCIL
OPERATING STATEMENT
NOTES FOR VARIANCES TO BUDGET
Period Ending 31 October 2013

Note

1 Rates and Utility Charges

Admin - Rates in advance to be journalled in as income at end of year - Approx \$630,000.

2 User Fees and Charges

Admin - Annual Tramway Permit received in full for 13/14.

C&C - Timing Difference - some fees and charges issued for full year.

Env - ERA Licences raised in July for full year.

3 Interest Received

Admin - Timing difference - majority of rates income received in September.

4 Operational Grants and Subsidies

Admin - Under Budget \$342,776 - Timing difference - FAGS grant received quarterly.

C&C - Over Budget \$49,420 - Timing differences - PCYC and RADF grant received in full.

Eng - Over Budget \$3,809,416 - QRA Grants Received.

5 Other Operating Revenue

Admin - Over Budget \$26,369 - Majority of surcharge income and collection fees received to date.

Eng - Under Budget \$2,744 - Unbudgeted funds received for insurance claim on multi tyre roller \$3,560; signage cost received from Alva Beach Tourist Park \$30.

Waste - Over Budget \$22,909 - Metal Recycling over budget - majority of income from Onesteel.

6 Employee Benefits

Admin - Under Budget \$251,674 - Main area under budget Employee Related Costs \$306,886.

Eng - Over Budget \$333,799 - Main areas over budget Rec Wks Other \$424,470, and Tech Services \$19,300. Main areas under budget Works Section \$50,512, and Rec Wks Main Roads \$59,102.

Env - Over Budget \$46,819 - Main areas over budget Health Admin \$38,080, and Parks Operation \$32,279. Main areas under budget Vector Admin \$7,565, and Animal Mgmt Admin \$14,889.

Sew - Under Budget \$56,582 - Main areas under budget Sewerage Operational \$10,573, Sewerage Reticulation \$31,151, and Pump Stations \$11,556.

7 Materials & Services

Admin - Over Budget \$367,338 - Timing differences - insurance, subscriptions, and software maintenance paid in full.

C&C - Over Budget \$318,430 - Timing differences - insurances paid in full, rural fire levies paid in full, majority of BCCB contribution paid, standing donations (sewerage) made in full.

Eng - Over Budget \$1,653,690 - Main area over budget Rec Wks Other \$2,283,118. Main areas under budget Eng Admin \$202,110, Roads Maintenance \$142,234, Street Lighting \$47,688, and Rec Wks Main Roads \$154,765.

Env - Under Budget \$177,152 - Main areas under budget Land Protection \$76,011, and Health Admin \$36,750. Main area over budget Public Conveniences \$18,580.

Sew - Over Budget \$30,984 - Main areas over budget Sewerage Operational \$53,323, and Sewerage Treatment \$17,871. Main areas under budget Sewerage Reticulation \$21,986, and Pump Stations \$14,725.

Waste - Under Budget \$296,121 - Main areas under budget Waste Collection \$131,889, Waste Management Admin \$33,429, and Waste Disposal \$131,012.

8 Finance Costs

Admin - Over Budget \$12,507 - Timing Difference - QTC Payment paid quarterly and other bank and merchant fees paid monthly.

9 Capital Contributions

Admin - Over Budget \$6,818 - Contribution from Friends of the Theatre towards PA System.

10 Capital Grants and subsidies

C&C - Under Budget \$4,892 - Timing difference - Library Book grant received quarterly.

Water - Over Budget \$32,500 - Alternative Water Supply Funding

11 Other Capital Income

Eng - Over Budget \$131,526 - Proceeds from disposal of motor vehicles and plant.

5 ENVIRONMENT & OPERATIONS

6 CORPORATE & COMMUNITY SERVICES

6.1 Register of Delegations- Council to CEO

Document Information

Referring Letter No:

File No: 405

Name of Applicant:

Location:

Author and Title: Ken Holt- Chief Executive Officer

Executive Summary

In light of recent information received, it is considered prudent to update Council's Register of Delegations.

Recommendation

That pursuant to section 257 (1) (b) of the *Local Government Act 2009*, Council delegates all of its lawfully delegable powers under each of –

- a) the local laws listed in Schedule 1 of the *Register of Delegations- Council to CEO*, and
 - b) the Acts listed in Schedule 2 of the *Register of Delegations- Council to CEO*, to the chief executive officer, subject to the conditions stated below.
1. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
 2. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).

That the *Register of Delegations- Council to CEO* be updated on Council's public web site and made available through the Customer Service Centre.

Background Information

The Local Government Associating of Queensland (LGAQ) recently provided an update regarding delegable powers and, upon review of the information provided along with the existing register, it is considered prudent to update our Register of Delegations.

Council's current Register of Delegations refers to Local Laws which have now been superseded. Schedule 1 of the register has therefore been amended to reflect these changes to our local laws. No other amendments were necessary.

Link to Corporate/Operational Plan

1.7 Ensure effective corporate governance through compliance with legislation and adoption of risk management strategies.

Consultation

N/A

Legal Authority or Implications

Section 257 (1)(b) of the *Local Government Act 2009* states that a local government may, by resolution, delegate a power under this Act (LGA2009) or another Act to the chief executive officer.

Policy Implications

N/A

Financial and Resource Implications

N/A

Report prepared by:

Rebecca Woods- Executive Officer

Report authorised by:

Ken Holt- Chief Executive Officer

Attachments

1. DRAFT Register of Delegations- Council to CEO

**Register of Delegations by the Burdekin Shire Council
to the Chief Executive Officer**

| Delegation No. | Description of powers delegated | Resolution | Conditions and limitations | Authority |
|----------------|---|--|--|--------------------------------|
| 1 | To exercise all lawfully delegable powers under each of the local laws listed in Schedule 1, including any amendments thereto, and subordinate local laws made under those local laws. | Adopted: 27/09/2011 Amended: 14/02/2012 | <ul style="list-style-type: none"> The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large. The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council. | Local Government Act 2009 s257 |
| 2 | To exercise all lawfully delegable powers under – <ul style="list-style-type: none"> each of the Acts listed in Schedule 2, including any amendments thereto, and regulations and other statutory instruments made under those Acts, and any other local government Acts that come into force, including any amendments thereto, and regulations and other statutory instruments made under those Acts. | Adopted: 27/09/2011 Amended: 14/02/2012 | <ul style="list-style-type: none"> The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large. The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council. | Local Government Act 2009 s257 |

Schedule 1 – Local Laws

Local Law No. 1 (Administration) 2012

- Subordinate Local Law 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2012
- Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2012
- Subordinate Local Law 1.3 (Establishment or Occupation of a Temporary Home) 2012
- Subordinate Local Law 1.4 (Installation of Advertising Devices) 2012
- Subordinate Local Law 1.5 (Keeping of Animals) 2012
- Subordinate Local Law 1.6 (Operation of Camping Grounds) 2012
- Subordinate Local Law 1.7 (Operation of Cane Railways) 2012
- Subordinate Local Law 1.8 (Operation of Caravan Parks) 2012
- Subordinate Local Law 1.9 (Operation of Cemeteries) 2012
- Subordinate Local Law 1.10 (Operation of Public Swimming Pools) 2012
- Subordinate Local Law 1.11 (Operation of Rental Accommodation) 2012
- Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2012
- Subordinate Local Law 1.13 (Undertaking Regulated Activities regarding Human Remains) 2012
- Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2012
- Subordinate Local Law 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2012
- Subordinate Local Law 1.16 (Gates and Grids) 2012
- Subordinate Local Law 1.17 (Reservation of Bathing Reserve for Training, Competition etc) 2012
- Subordinate Local Law 1.18 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2012
- Subordinate Local Law 1.19 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2012
- Subordinate Local Law No. 1.20 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 2012

Local Law No. 2 (Animal Management) 2012

- Subordinate Local Law No. 2 (Animal Management) 2012

Local Law No. 3 (Community and Environmental Management) 2012

- Subordinate Local Law No. 3 (Community and Environmental Management) 2012

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012

- Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012

Local Law No. 5 (Parking) 2012

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- Subordinate Local Law No. 5 (Parking) 2012
- Local Law No. 6 (Bathing Reserves) 2012
- Subordinate Local Law No. 6 (Bathing Reserves) 2012
- Local Law No. 7 (Aerodromes) 2012
- Local Government Controlled Areas, Facilities and Roads Amendment Sub Local Law No. 1 2012
- Local Law (Repealing) Local Law (No. 1) 2012

Schedule 2 – Legislation

- Animal Management (Cats and Dogs) Act 2008
- Body Corporate and Community Management Act 1997
- Building Act 1975
- Coastal Protection and Management Act 1995
- Dangerous Goods Safety Management Act 2001
- Disaster Management Act 2003
- Environmental Protection Act 1994
- Fire and Rescue Service Act 1990
- Food Act 2006
- Food Production (Safety) Act 2000
- Information Privacy Act 2009
- Land Act 1994
- Land Protection (Pest and Stock Route Management) Act 2002
- Land Valuation Act 2010
- Liquor Act 1992
- Local Government Act 2009
- Plumbing and Drainage Act 2002
- Public Health Act 2005
- Public Health (Infection Control for Personal Appearance Services) Act 2003
- Public Interest Disclosure Act 2010
- Queensland Reconstruction Authority Act 2011
- Residential Services (Accreditation) Act 2002

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- Right to Information Act 2009
 - State Penalties Enforcement Act 1999
 - Stock Act 1915
 - Summary Offences Act 2005
 - Survey and Mapping Infrastructure Act 2003
 - Sustainable Planning Act 2009
 - Tobacco and Other Smoking Products Act 1998
 - Transport Infrastructure Act 1994
 - Transport Operations (Marine Pollution) Act 1995
 - Transport Operations (Marine Safety) Act 1994
 - Transport Operations (Road Use Management) Act 1995
 - Trusts Act 1973
 - Urban Land Development Authority Act 2007
 - Waste Reduction and Recycling Act 2011
 - Water Act 2000
 - Water Fluoridation Act 2008
 - Water Supply (Safety and Reliability) Act 2008
 - Workers' Compensation and Rehabilitation Act 2003
 - Workplace Health and Safety Act 1995

6.2 Bullying and Harassment Policy- Renewal

Document Information

Referring Letter No:

File No:

Name of Applicant:

Location:

Author and Title: Rebecca Woods- Executive Officer

Executive Summary

As part of the ongoing policy review, the Workplace Bullying and Harassment Policy has been updated. The new policy reflects obligations that Council has under the Work Health and Safety Act 2011.

Recommendation

That Council adopts the attached Bullying and Harassment Policy and that this policy takes effect immediately.

Background Information

The existing policy included procedural elements and these have been removed and placed in an operational standard for complaints management. A separate risk reduction and training guide has also been developed for use in induction and ongoing training.

Link to Corporate/Operational Plan

1.4 Progress towards achieving “Employer of Choice” status and aim to attract, recruit and retain workers based on their abilities, skills and knowledge in a consistently fair workplace which offers and promotes work opportunities for all.

1.7 Ensure effective corporate governance through compliance with legislation and adoption of risk management strategies.

1.8 Provide a safe and healthy workplace by continually improving workplace health and safety practices.

Consultation

Workplace Health and Safety and Quality Assurance Officer Karl Schatowski, Senior Human Resource Officer Belinda Tinus, and Executive Officer Rebecca Woods created the draft

policy. The Directors and Managers were also consulted during the process and provided their input into the policy.

Legal Authority or Implications

Work Health and Safety Act 2011

Policy Implications

The new Workplace Bullying and Harassment Policy will replace the existing policy.

Financial and Resource Implications

N/A

Report prepared by:

Rebecca Woods- Executive Officer

Report authorised by:

Ken Holt- Chief Executive Officer

Attachments

1. Workplace Bullying and Harassment Policy Draft



Workplace Bullying and Harassment Policy

Commencement Date: <D Month YYYY>

Function: Workplace Health and Safety and Quality Assurance

RESPONSIBILITIES

| | |
|--------------------|---|
| Policy Owner | CEO |
| Policy Contact | Workplace Health and Safety and Quality Assurance Officer |
| Approval Authority | Council |
| Next Review Date | February 2014 |

REVISION HISTORY

| Rev | Status | Date | Approver / Meeting | Resolution / Document No. |
|-----|--------|------|--------------------|---------------------------|
| | DRAFT | | | |
| | | | | |

1 PURPOSE

This policy outlines Burdekin Shire Council's ("Council's") commitment to a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. This policy is aimed at ensuring, so far as it is reasonable, that employees are not subjected to any form of bullying while at work. It also details the legal responsibilities of the Council and employees in relation to preventing bullying in the workplace.

Bullying is an unacceptable behaviour and will not be tolerated by Council as it poses an unnecessary risk to the health and safety of employees.

2 SCOPE

This policy covers all employees of the Council (whether full-time, part-time or casual), all councillors and all persons performing work at the direction of, in connection with, or on behalf of the Council (collectively "workers").

Meaning of *worker*

- (1) A person is a **worker** if the person carries out work in any capacity for a person conducting a business or undertaking (for this Policy "Council") including work as-
 - (a) an employee; or
 - (b) a contractor or subcontractor; or
 - (c) an employee of a contractor or subcontractor; or
 - (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking¹ or
 - (e) an outworker¹; or
 - (f) an apprentice or trainee; or
 - (g) a student gaining work experience; or
 - (h) a volunteer;

This policy applies to actions at work and activities outside of work which relate to a person's employment by Council (such as social club functions or work related conferences or training).

¹ The term 'outwork' generally refers to work performed outside the employer's premises, factory, or established place of work. An "outworker" is a person working outside the established place of work- e.g. working from home.

3 OBJECTIVES

- 3.1** To create a safe workplace for all employees
- 3.2** To provide a framework for identifying and preventing bullying and harassment
- 3.3** To provide a framework for an efficient complaints management system for the confidential handling of complaints relating to bullying and harassment in the workplace.

4 PRINCIPLES

- 4.1** Organisational culture is paramount in the prevention and management of bullying and harassment. The workplace culture should be one which is free from negativity and inappropriate behaviours and attitudes. The Employee Code of Conduct establishes the acceptable standard of workplace behaviour and personal conduct and requires that employees will ensure conduct reflects the commitment to a workplace that is inclusive and free from harassment.
- 4.2** Council's approach to the management of bullying and harassment employs a mix of information, instruction, risk management techniques and training to promote and develop a positive work culture to reduce the risk of bullying and harassment.
- 4.3** Council is committed to identifying risks of bullying and harassment in the workplace and employing strategies to reduce those risks.
- 4.4** Council will ensure that induction training includes training about the Bullying and Harassment Policy and the associated Operational Standard. Additional ongoing and refresher training will be provided as legislation requires or when training needs are identified.
- 4.5** Council is committed to providing prompt and fair processes to resolve complaints of discrimination, bullying, and harassment.
- 4.6** The principles of natural justice apply at all stages of the complaint resolution process. Those involved in the complaint resolution process have a duty not to be affected by bias or conflict of interest and must act fairly and impartially. Each party must be given a fair opportunity to know the case against them and to be heard.
- 4.7** All employees and persons involved with the Council's complaint procedures will be treated with respect and courtesy. Enquiries and complaints will be dealt with in a sensitive, equitable, fair and confidential manner. Matters will be dealt with expeditiously while ensuring that all parties are provided with sufficient time to prepare and/or respond.
- 4.8** It is of vital importance and in the best interests of all parties that confidentiality is maintained where possible.
- 4.9** Where appropriate, steps will be taken to ensure harmonious working relationships during and after conciliation and investigation.
- 4.10** Breaches of this policy may lead to action being taken against an employee under the disciplinary procedures within Council's Enterprise Bargaining Agreement.
- 4.11** Persons involved in the bullying and harassment complaints management process are to be protected against victimisation and reprisals.

5 POLICY STATEMENT

- 5.1** Council will take all reasonable steps to prevent bullying and harassment through a risk management process. This process includes:
 - training workers about bullying and harassment, how to deal with it and its impact on the workplace;

- training workers about what bullying and harassment is not;
- identification of bullying and harassment risk factors;
- assessment of the likelihood of bullying or harassment occurring from the risk factors identified and their potential impact on the workers or workplace;
- employing strategies to minimise the risk of bullying and harassment;
- reviewing the effectiveness of the control methods put in place

5.2 Council will follow the "Bullying and Harassment Complaints Management Operational Standard" in dealing with any bullying or harassment complaint. Refer to associated documents.

5.3 Council recognises its duty of care to employees and will act on or investigate any instances of bullying or harassment whether reported formally by the victim or not.

5.4 Council will treat all employees fairly throughout an investigation into a bullying or harassment complaint.

5.5 Council can offer counselling services and support through the Employee Assistance Program to any employee.

6 SEXUAL HARASSMENT

6.1 Sexual harassment is not covered under this policy. However, complaints will be addressed through other avenues.

7 ROLES AND RESPONSIBILITIES

| | |
|---------------------------|---|
| CEO | Has the responsibility of making the final decision on any bullying or harassment investigation with regards to disciplinary action or termination of employment. |
| Human Resources | Have a responsibility to investigate complaints regarding bullying, harassment or sexual harassment and may recommend disciplinary action. Deliver training on Bullying and Harassment |
| Managers and Supervisors | Have the responsibility for identifying risks in the workplace that may lead to bullying or harassment and employ strategies to reduce these risks Have a responsibility to monitor the workplace for incidents of bullying or harassment and create a safe workplace. Recommend training for employees if required Have a responsibility to report any incidents of bullying, harassment or sexual harassment to HR. Have a responsibility to comply with this Policy. |
| Employees and Councillors | Have a responsibility to report bullying or harassment behaviour. Have a responsibility to comply with this Policy |

Have a responsibility to cooperate with any bullying or harassment investigation.

8 DEFINITIONS

Harassment/ Bullying

Workplace harassment/bullying is where a person is subjected to behaviour, other than sexual harassment that:

- is repeated, unwelcome and unsolicited; and/or
- the person considers to be offensive, intimidating, humiliating or threatening; and/or
- a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

Workplace harassment/bullying can be committed by any of the following:

- employers
- workers
- co-workers
- group of co-workers
- clients or customers
- members of the public
- councillors

Workplace harassment/bullying covers a wide range of behaviours ranging from subtle intimidation to more obvious aggressive tactics, including, but not limited to:

- abusing a person loudly, usually when others are present
- repeated threats of dismissal or other severe punishment for no reason
- constant ridicule and being put down
- leaving offensive remarks on email, the telephone or social media
- sabotaging a person's work, for example, by deliberately withholding information, supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways
- humiliating a person through gestures, sarcasm, criticism and insults, often in front of customers, management, other workers or the media
- spreading gossip or false, offensive rumours about a person

Bullying or harassment behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying:-

Direct bullying/harassment

- abusive, insulting or offensive language
- spreading misinformation or offensive rumours
- behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming
- displaying offensive material
- inappropriate comments about a person's appearance, lifestyle, their family or sexual preferences
- teasing or making someone the brunt of pranks or practical jokes
- interfering with a person's personal property or work equipment, or
- harmful or offensive initiation practices

Indirect bullying/ harassment:

- unreasonably overloading a person with work, or not providing enough work
- setting timeframes that are difficult to achieve, or constantly changing them
- setting tasks that are unreasonably below, or above, a person's skill level
- deliberately excluding or isolating a person from normal work activities
- withholding information that is necessary for effective work performance
- deliberately denying access to resources or workplace benefit and entitlements, for example training, leave

The above examples do not represent a complete list of bullying and harassment behaviours. They are indicative of the type of behaviours which may constitute bullying and therefore unacceptable to Council.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

Bullying or harassment can occur unintentionally and a person's intention is irrelevant when determining if bullying or harassment has occurred.

Sexual Harassment

Sexual harassment is any form of unwanted, unwelcome or uninvited sexual behaviour which is or might be offensive, humiliating or intimidating. It can include an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature. Where sexual interaction is invited, mutual, consensual or reciprocated it is not sexual harassment.

The law further defines sexual harassment as unwelcome sexual conduct that a 'reasonable person' might anticipate would offend, humiliate or intimidate. When applying the 'reasonable person' test to sexual harassment, the particular circumstances of the case will be taken into account. These might include the age, race or impairment etc. of the person being harassed, and the relationship between the people involved (e.g. supervisor and subordinate).

Sexual harassment can take various forms and may be obvious or indirect, physical or verbal. Specifically, examples of sexual harassment include:

- unwelcome physical touching;
- sexual or suggestive comments, jokes or innuendo;
- unwelcome requests for sex;
- intrusive questions about a person's private life;
- showing a person sexually explicit images or material e.g. on a phone or computer;
- unwanted invitations of a sexual nature;
- sex based insults or taunts;
- sexually offensive communications, including telephone calls, text messages, social media activities, letters, faxes, email and computer screen savers

Sexual harassment does not have to be repeated or continuous to be against the law.

Victimisation

Victimisation includes any unfavourable treatment of a person who has been involved with discrimination, bullying or harassment complaint.

Any complaint of victimisation will be treated in the same manner as a complaint of discrimination, bullying or harassment.

What Bullying/ Harassment is NOT

Reasonable and legitimate management actions, taken in a reasonable way to:

- manage a worker's performance
- take action to transfer or retrench a worker
- allocate work in compliance with systems and policies
- discipline employees
- change or restructure the workplace
- manage injury or illness in the workplace
- amend rosters or schedules

REVIEW

This policy will be reviewed annually during the Work Health and Safety Audit Program, through consultation with employees and health and safety representatives, or when legislative requirements change, or in the event of a serious occurrence involving bullying or harassment.

8 LEGISLATION

Work Health and Safety Act 2011

Work Health and Safety Regulation 2011

Prevention of Workplace Harassment Code of Practice 2004

Anti-Discrimination Act 1991

Queensland Civil and Administrative Tribunal Act 2009

9 ASSOCIATED DOCUMENTS

Bullying and Harassment Complaints Management Operational Standard

Training Guide- Identification and Risk Management of Bullying and Harassment

6.3 Adoption of Land Management Plan - Millaroo Airstrip

Document Information

Referring Letter No: N/A

File No: 1017

Name of Applicant: N/A

Location: Millaroo Airstrip

Author and Title: Mrs Janice Horan, Grants and Property Officer

Executive Summary

Community consultation has been undertaken in respect of the Millaroo Airstrip Land Management Plan. No submissions were received. Council is now required to adopt the Land Management Plan.

Recommendation

That Council adopts the Land Management Plan for the Millaroo Airstrip (Lot 114 on Plan gS730, Parish of Millaroo).

Background Information

Part of the Millaroo Airstrip reserve has been leased to a nearby landowner since 1987. The reserve has a total area of 14.15 ha. of which 6.77 is leased for sugar cane growing purposes. The lease is up for renewal.

Council at its meeting held on 28 May 2013 resolved to request the Minister for Local Government, Community Recovery and Resilience for an exemption from the requirement to call for public tenders for the lease renewal. The Ministers approval was granted on 8 July 2013.

A Trustee Lease was prepared and forwarded to the Department of Natural Resources and Mines (DNRM) for their initial review.

A Land Management Plan (LMP) for the Millaroo Airstrip reserve was required as part of the DNRM approval process for the lease. A draft LMP was prepared and forwarded to the DNRM for their initial review.

Community consultation was required before final adoption of the LMP. Public comment was invited by advertisement in the Ayr Advocate on Friday, 11 October 2013. A copy of the notice and the LMP were displayed on the Council's website. A copy was also forwarded to the existing lessee for comment. Comments in respect of the LMP closed on Monday, 28 October 2013. No submissions were received.

Link to Corporate/Operational Plan

N/A

Consultation

By advertisement in the Ayr Advocate on 11 October 2013; by letter to the existing lessee; and Council's website.

Legal Authority or Implications

In accordance with DNRM policy on Secondary Use of Trust Land and the Land Act 1994.

Policy Implications

Nil

Financial and Resource Implications

Nil

Report prepared by:

Mrs Janice Horan, Grants and Property Officer

Report authorised by:

Mr Dan Mulcahy, Director of Corporate and Community Services

Attachments

1. Draft Land Management Plan – Reserve for Landing Ground for Aircraft R291
2. Sketch Plan of Lease A – Millaroo Airstrip
3. Surrounding Area and Surrounding Land Owners – Millaroo Airstrip



**BURDEKIN SHIRE COUNCIL
BASIC TRUST LAND MANAGEMENT PLAN
RESERVE FOR LANDING GROUND FOR AIRCRAFT R291**

Trust Land Management Plan Duration: 10 years or upon expiration of the trustee leases.

1. COMPLIANCE WITH LEGISLATION, PLANNING SCHEMES ETC

This Management Plan is prepared in accordance with the Land Act 1994 and Department of Natural Resources and Mines Management Policies - Policy Number: PUX/901/209.

It is the responsibility of the trustee lessees to ensure that all activities conducted on the reserve are done so within the provisions of all relevant Local Laws, Council SPA Planning Scheme, State and Commonwealth Statutes (and amendments).

Whilst the trustee leasing over part of the reserve is not consistent with the purpose of the reserve, excision of the proposed trustee leased area from the reserve would not be appropriate as all of the reserve may be required for its gazetted purpose.

2. TRUSTEE DETAILS

Burdekin Shire Council
PO Box 974
Ayr 4807

3. EXISTING TENURE OF THE SUBJECT LAND

| | |
|--------------------|---|
| Existing Tenure | Reserve for Landing Ground for Aircraft R291 |
| Lot and Plan | Lot 114 on GS730 |
| Parish | Millaroo |
| County | Gladstone |
| Local Government | Burdekin Shire Council |
| Area of Trust Land | 14.15 hectares |
| Scope of Plan | The Management Plan is applicable to the whole of the Reserve and addresses current and future use. |

4. EXISTING DESCRIPTION OF THE SUBJECT LAND

Site Description:

History – By Order in Council date 12/7/1984 and published in the Queensland Government Gazette on the 14/7/1984 at page 1661, the land was reserved and set apart as a Reserve for Landing Ground for Aircraft Purposes.

By order in Council appearing 12/7/1984 and published in the Queensland Government Gazette on the 14/7/1984 on page 1661, the land was placed under the control and management of Trustees. The Burdekin Shire Council was appointed as Trustee.

The total area of the Reserve is 14.15ha, of which 7.38ha is available for use by small aircraft to land. The balance area of the reserve (6.77ha) is used for sugar cane farming operations.

Local Area Description:

The reserve is located near the township of Millaroo in the Burdekin Shire.

The land is zoned “Rural” and “as of right uses” include agriculture, dwelling house, rural activity and park.

The trust land is bounded by a water channel, but does not adjoin land owned by adjacent land owners. The land does not have any cultural, heritage or commercial significance to the area.

The current activities on the reserve conform to the Burdekin Shire’s SPA Planning Scheme which took effect on 11 April 2008.

Existing ‘Uses’ (Primary and Secondary):

The primary purpose of the reserve is gazetted for Landing Ground for Aircraft. The total area of the reserve is 14.15ha, of which 7.38ha is available for use by small aircraft to land. The remaining 6.77ha of the reserve is used for sugar cane farming operations.

The reserve provides a dirt landing strip for landing of aircraft in Millaroo. The airstrip is used infrequently by a very small percentage of pilots. Use of the aircraft is for private, recreational or agricultural activities.

Council approves secondary use of the trust land for sugar cane farming operations. A Trustee Lease for the sugar cane farming operations will be subject to Section 59(2) of the Land Act 1994.

Generally, land of this nature is made available for lease by way of public tender.

However, in this instance, Council made a decision to lease the land to a nearby landowner in 1987 as a consequence of the said landowner expending a considerable amount of time and money in clearing and developing the land for

cultivation. Council has resolved to enter in leases of 5 year durations with the said landowner since that time.

Council resolved at its meeting held 23 April 2013 that it would apply to the Minister for Local Government seeking an exemption under Section 236(1)(c)(iii) of the Local Government Regulation 2012 to allow disposal of part of the trust land for the purposes of growing sugar cane without calling for public tenders. Exemption from the Minister on this occasion was granted.

Restrictions are placed on secondary use due to the specific nature of the reserve purpose. Such restrictions are outlined in the appropriate trustee lease document.

Existing Interests:

A nearby landowner has held a trustee lease over the trust land since 1987.

Existing Infrastructure:

There is no existing infrastructure on the trust land.

Exclusivity and Restrictions of Existing Interest:

Restrictions are placed on secondary use due to the specific nature of the reserve purpose. Such restrictions are outlined in the appropriate trustee lease document.

Native Title Status:

Native title implications will be assessed in accordance with the State's Native Title Work procedures prior to any dealings being undertaken on the reserve.

5. PROPOSED USES/S OF THE SUBJECT LAND

Use of the area will be in accordance with the Land Act 1994 and the policies of the Department of Natural Resources and Mines.

Future uses will not be inconsistent with the reserve purpose, except for agricultural type uses which will be consistent with historical usage.

Development Intended:

No major development is proposed for the reserve.

Exclusivity and Restrictions of proposed use and associated development:

Refer above.

Commerciality:

Part of the land is made available for agricultural production.

Rental:

Council reserves the right to charge an appropriate rental for any trustee leases on the reserve based on the level of intensity of the use.

6. COMMUNITY CONSULTATION

Comments on the Management Plan will be sought from the local community, including the proposed trustee lessee of the land. All comments will be considered by the Council prior to final adoption of the Management Plan.

7. OBJECTIVES AND PROPOSED ACTIONS

This plan has been prepared in accordance with Policy Guidelines established by the Department of Natural Resources and Mines to provide Council with a management document for the future development and ongoing improvement and maintenance of the Reserve.

8. MONITORING AND REVISION

Council is committed to ensuring the ongoing maintenance of the reserve is carried out. This includes the responsibility for chemical or mechanical maintenance (round-up/slashing) around all structures and facilities where fire could impact on such assets. Pests and declared weeds will continue to be maintained.

Where Trustee Leases are entered into, Council is committed to ensure that all responsibilities and obligations of the Trustee Lessee are complied with.

The community is also encouraged to lodge with Council their complaints/concerns or suggestions regarding Council matters. Any matters relating to the reserve are referred to the relevant staff for attention and follow up.

Council staff will monitor activity within the reserve to ensure this Land Management Plan is relevant and being complied with. This Land Management Plan will be reviewed as and when the need arises and in any case, at the expiration of the Trustee Lease.

9. SUMMARY AND RECOMMENDATIONS

The primary goal of the Land Management Plan is to ensure the continued use of Reserve R291 in accordance with the reserve purpose and in a way that benefits the community.

10. APPENDICES

Sketch Plan
Site Map

END

Adopted by Council on



Not to Scale - Cadastral Information from Department of Natural Resources, Queensland Digital Cadastral Database DCDB (Crown Copyright Reserved)

Land Details

| Lot Plan | PropertyID | LandID | Owners | Property Desc | Land Desc | Physical Address | Default Address |
|----------|------------|--------|-----------------------------------|---|---------------------|-----------------------------------|-----------------------------------|
| 114GS730 | 2868 | 7301 | Burdekin Shire Council As Trustee | PTA L114/GS730:PTA RES LANDING GROUND FOR AIRCRAFT R291 | Part Lot 114 GS 730 | 125 Newman Road MILLAROO QLD 4807 | P O Box 974, AYR QLD 4807 |
| 114GS730 | 2876 | 8255 | Bruno Wyburg | | Part Lot 114 GS 730 | 127 Newman Road MILLAROO QLD 4807 | 332 Kelly Road, MILLAROO QLD 4807 |

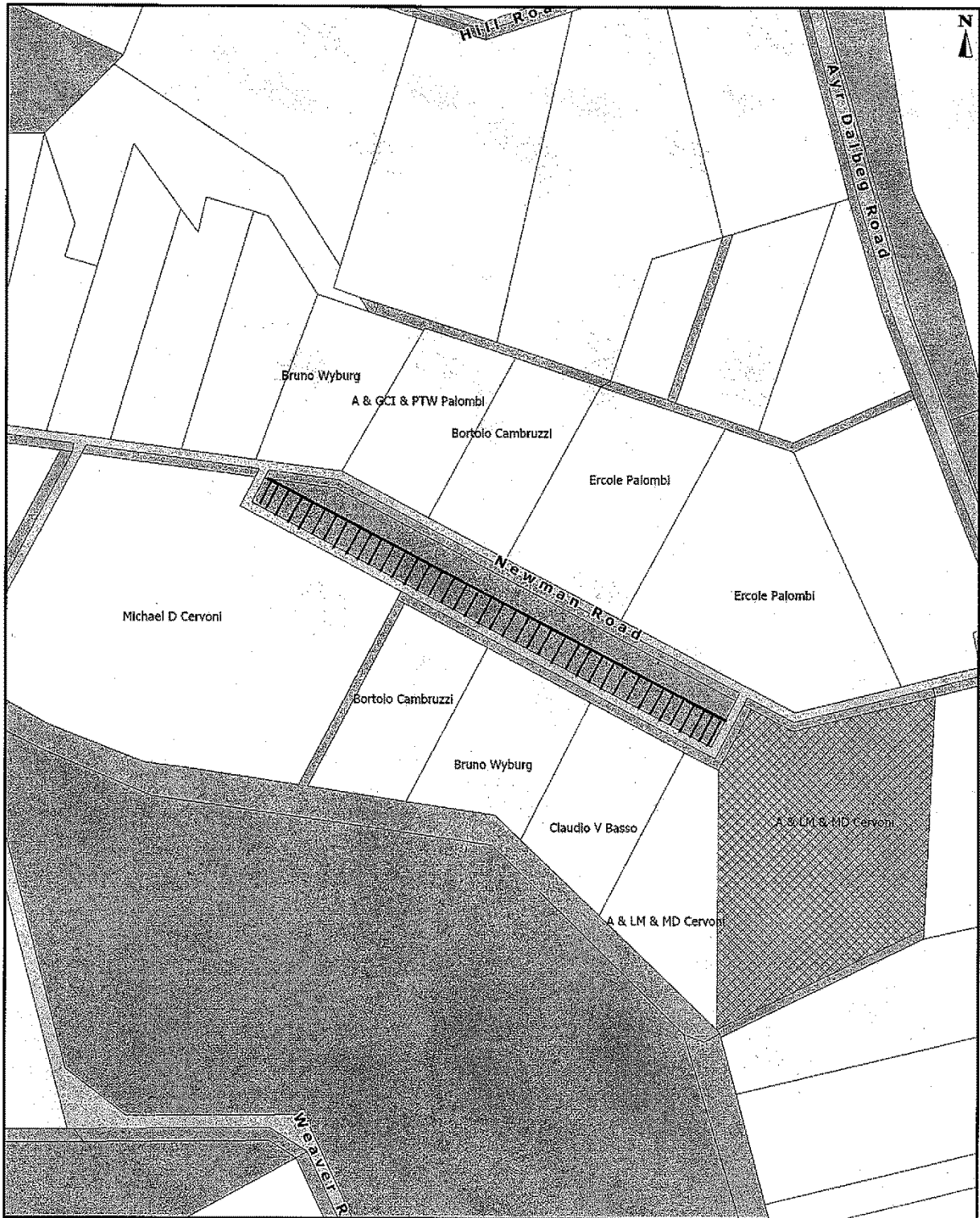
Shire of Burdekin

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Not to Scale

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6.4 Expression of Interest - Lease of Part of Lot 106 on RP898777 - Ayr Aerodrome

Document Information

Referring Letter No: 1301280

File No: 1098

Name of Applicant: Ross Duncan Farming Pty Ltd

Location: Part of Ayr Aerodrome at the corner of Aerodrome Road and Waterview Road, Airville

Author and Title: Mrs Janice Horan, Grants and Property Officer

Executive Summary

Following public advertisement, one tender was received from Ross Duncan Farming Pty Ltd to lease, for agricultural purposes, part of Lot 106 on RP898777 containing an area of 54.11 hectares at the Ayr Aerodrome.

Recommendation

That Council agrees to enter into a lease arrangement with Ross Duncan Farming Pty Ltd for lease, in an “as is” condition and for agricultural purposes, of Leases B, C and D of Lot 106 on RP898777 containing an area of 54.11 hectares at the Ayr Aerodrome, under the usual terms and conditions, commencing on 1 January 2014 for a term of five (5) years with the option of a further five (5) years, noting that the rental to be paid is \$15,000 for years 1 and 2 and \$25,000 for years 3, 4 and 5.

Background Information

An area of 54.11 hectares at the Ayr Aerodrome had been leased by S and M Sedran. Upon expiration of their lease, tenders were invited in the Advocate on 25 September and Council’s website for lease of the land for agricultural purposes.

Advice was sought from Taylor Byrne, Valuers on appropriate industry rental that could be expected for the land. Taylor Byrne’s advice indicated that appropriate industry rental for the site was \$27,500 per annum.

At the closing date, 28 October 2013, one tender was received from Ross Duncan Farming Pty Ltd. The rental offered by the applicant was \$15,000 for years 1 and 2 and \$25,000 for years 3, 4 and 5. The reduced rental offered for years 1 and 2 was due to the considered amount of expense that will be incurred by the applicant to bring the soil health up to a standard capable of sustaining healthy, productive crops due to the presence of nematodes in the soil due to years of farming.

Link to Corporate/Operational Plan

N/A

Consultation

By advertisement in the Advocate on 25 September and Council's website and consultation with Taylor Byrne, Valuers.

Legal Authority or Implications**Policy Implications**

Nil

Financial and Resource Implications

Resources – Requirement for lease document to be produced.

Report prepared by:

Mrs Janice Horan, Grants and Property Officer

Report authorised by:

Mr Dan Mulcahy, Director of Corporate and Community Services

Attachments

1. N/A

7 CORRESPONDENCE FOR INFORMATION

Tabled Separately

8 NOTICES OF MOTION

9 URGENT BUSINESS

10 GENERAL BUSINESS

11 CLOSED MEETING ITEMS

11.1 Outstanding Rates - Property Numbers 7998 and 10761

To be considered in closed meeting in accordance with Section 275(1)(d) of the Local Government Regulation 2012.

Recommendation

That Council not accept the proposed offer to settle outstanding rates in respect of property numbers 7998 and 10761 on the grounds that accepting the offer would conflict with previous decisions made by Council in the past in relation to late payment of rates and create an undesirable precedent.

12 DELEGATIONS

