



BURDEKIN SHIRE COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

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

on 16 December 2014

COMMENCING AT 9:00AM

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TUESDAY 16 DECEMBER 2014

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1 PRAYER

2 DECLARATIONS OF INTEREST

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting - 25 November 2014

Recommendation

That the minutes of the Ordinary Council Meeting held on 25 November 2014 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 25 November 2014

COMMENCING AT 9:00AM



TUESDAY 25 NOVEMBER 2014

ORDER OF BUSINESS:

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Ordinary Council Meeting 25 November 2014



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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. M. Magin - Chief Executive Officer
Mr. D. Mulcahy – Manager Governance and Local Laws
Mr. T. Vaccaro – Manager Community Development
Mr. A. Scott – Manager Economic Development
Mr. G. Keane - Acting Manager Operations
Mr. K. Byers - Manager Technical Services
Mrs. E. Robinson – Manager Client Services

Minutes Clerk - Miss S. Cronin

1 PRAYER

The meeting prayer was delivered by Pastor Colin Saal of the Christian Outreach Centre.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Dalle Cort declared a material personal conflict of interest in respect of agenda item 11.1 as the tenderer is a distant relation.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 11 November 2014

Recommendation

That the minutes of the Ordinary Council Meeting held on 11 November 2014 be received as a true and correct record.

Resolution

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

CARRIED

3.2 Burdekin Building Safer Communities Action Team Meeting Minutes - 8th October, 2014

Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 8th October, 2014 be received and adopted.

Resolution

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

CARRIED

3.3 Burdekin Shire Youth Council Meeting Minutes - 13th October 2014

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 13th October, 2014 be received and adopted.

Resolution

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

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 31 October 2014

Recommendation

That the Capital Projects Monthly Report for Period Ending 31 October 2014 be received.

Resolution

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

CARRIED

4.2 Operating Statement for Period Ending 31 October 2014

Recommendation

That the Operating Report for the Period Ending 31 October 2014 be received.

Resolution

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

CARRIED

5 GOVERNANCE & LOCAL LAWS

6 CLIENT SERVICES

6.1 Change of Operational Hours - Burdekin Library (Ayr and Home Hill Branches)

Executive Summary

Changing the Operational hours of the Burdekin Library (Ayr Branch) to 9.00 am to 5.00 pm Monday to Friday and 9.00 am to 1.00 pm Saturday.

Burdekin Library (Home Hill Branch) to close Saturdays. The operational hours for the Home Hill Library are to remain the same between Mondays to Friday.

Recommendation

That Council adopts the new operational hours as follows for the Burdekin Library (Ayr and Home Hill Branches) with the changes in operational hours commencing Monday 5 January, 2015:

Ayr Branch - Monday to Friday - 9.00 am to 5.00 pm
Saturday - 9.00 am to 1.00 pm

Home Hill Branch - Monday to Friday - no change to existing hours
Saturday - closed

Resolution

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

CARRIED

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

10 PLANNING & DEVELOPMENT

11 COMMUNITY DEVELOPMENT

11.1 Multi Tenant Service Centre Extension (Burdekin Community Redevelopment Project)

Councillor Dalle Cort declared a material personal conflict of interest as the tenderer is a distant relation and remained in the meeting.

Executive Summary

Council recently invited tenders for the construction of the Multi-Tenant Service Centre Extension. Tenders closed on Friday, 17 October 2014.

Recommendation

Council accepts the tender of Malas Constructions for the construction of the Multi-Tenant Service Centre Extension (Burdekin Community Redevelopment Project).

Resolution

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

CARRIED

12 ECONOMIC DEVELOPMENT

13 GENERAL BUSINESS

14 CORRESPONDENCE FOR INFORMATION

15 NOTICES OF MOTION

15.1 Earth Table Drain - Third Avenue, Home Hill

Recommendation

That Council resolves to construct an earth table drain along the western side of Third Avenue, Home Hill between Fourteenth Street and Twelfth Street, to alleviate localised flooding at the intersection of Third Avenue and Fourteenth Street.

Resolution

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

CARRIED

Councillor Loizou voted against the motion.

15.2 Home Hill Centenary Merchandise

Recommendation

That Council approve to giveaway the remaining promotional merchandise items from the Home Hill Centenary at 2014 Carols by Candlelight at Watson's Green on 7 December, 2014.

Resolution

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

CARRIED

15.3 Road Base for Phillips Camp Progress Association Incorporated

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that Council approves to provide 120 tonnes of 2.4 road base from Council's Jones Street Depot to the Phillips Camp Progress Association Inc., subject to the Association being responsible for cartage.

CARRIED

16 URGENT BUSINESS

17 CLOSED MEETING ITEMS

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

Resolution

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

275(1)(f) starting or defending legal proceedings involving the local government

for the purpose of discussing Indigenous Land Use Agreement.

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

17.1 ILUA and Birriah People

Resolution

Moved Councillor Lewis, seconded Councillor Bawden that:

1. Having reviewed a settled Indigenous Land Use Agreement ("ILUA") between the registered native title claimants for Native Title Determination Application QUD6224/1998 (Birriah People) and Local Government, a copy of which was tabled at Council's ordinary meeting on 11 November 2014, Council authorises the Mayor and Chief Executive Officer to sign the settled ILUA on Council's behalf; and
2. Council authorises the Chief Executive Officer to endorse on its behalf any changes made to the ILUA prior to execution on the basis that such changes do not adversely affect Council's interests.

CARRIED

18 DELEGATIONS

10.15am Australian Citizenship Ceremony - Mr George Abraham, Mr Noel George, Mr Parwinder Singh and Mr Chi Wai Wong

There being no further business the meeting closed at 11.45am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 16 December 2015.

MAYOR

3.2 Burdekin Shire Youth Council Meeting Minutes - 10th November, 2014

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 10th November, 2014 be received and adopted.

Burdekin Shire Council

Minutes – Burdekin Shire Youth Council Meeting held on 10th November, 2014

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

CLAUSE 1 ATTENDANCE

Laura Sloan (Deputy Youth Mayor) – Ayr State High School
Danae Pilla (Secretary) – Burdekin Catholic High School
Brytni Pearson – Ayr State High School
Isobel Murphy – Ayr State High School
Cassandra Loizou – Home Hill State High School
Nakoma Coutts – Home Hill State High School
Tayla McKaig – Home Hill State High School

Tammy Quagliata - Burdekin Shire Council

Apologies for absence

Reece D'Alessandro (Youth Mayor) – Home Hill State High School
Julia Zanella – Working Youth Representative
Tony Vaccaro – Burdekin Shire Council

CLAUSE 2 MINUTES RECEIVED

Moved Cassandra Loizou, seconded Brytni Pearson that the Minutes of the Burdekin Shire Youth Council Meeting held on 10th November, 2014 be received.

CARRIED

CLAUSE 3 CORRESPONDENCE

Inward Correspondence

1. National Youth Awards – advising that National Youth Awards are open to all young Australians aged 12-25 years. The awards acknowledge, recognise and celebrate the achievements of Australia's young people through 6 award categories. Nominations close on 27th November, 2014.

Moved Danae Pilla, seconded Brytni Pearson that the inward correspondence be received and the outward adopted.

CARRIED

CLAUSE 4 DISCUSSIONS REGARDING 2014 YOUTH COUNCIL END OF YEAR CHRISTMAS BREAK-UP

Tammy Quagliata advised the Burdekin Bowl was available on 5th December for the Christmas Break-up. An invitation would be sent to all members to attend the event. Friends and family are also invited to come along to the event. A cost of \$15 would be charged to any non-members wishing to attend.

Members were encouraged to bring along friends that may be interested in joining the Youth Council in 2015.

CLAUSE 5 OTHER GENERAL BUSINESS

- Tammy Quagliata provided information on the relocation of Council's Community Development section to the Burdekin Library area in 2015. It was noted that the area is going to be developed into a 'Community Hub' and a representative from the Youth Council has been invited to take part in initial consultation with regard to the project. It was noted that Youth Mayor, Reece D'Alessandro would be the Youth Council representative for 2014 and another representative would be chosen in 2015.
- Discussions were held with regard to increasing new membership in 2015. Members were encouraged to talk with other students at their school with regards to joining Youth Council and perhaps invite them along to the Christmas Break-up. It was agreed that it was important to keep membership from younger grades so that they have the opportunity to remain in the group for a number of years.
- Discussions were held in regard to events/projects for 2015. Members were encouraged to talk with friends, family and colleagues so get ideas on community projects and events that the Youth Council could be involved in during 2015.
- Members agreed to take part in a secret Santa as part of the last Youth Council Meeting to be held on 8th December, 2014. The last meeting would include an afternoon tea, secret Santa and presentation of certificates by the Mayor.

NEXT MEETING – 8th December, 2014

There being no further business, the meeting closed at 4:20pm

Danae Pilla
SECRETARY

4 REPORTS

5 GOVERNANCE & LOCAL LAWS

5.1 Request for Rates Exemption or Reduction - Gudjuda Reference Group Aboriginal Corporation

Document Information

Referring Letter No: 1363138

File No: 668

Name of Applicant: Gudjuda Reference Group Aboriginal Corporation

Location: Old Home Hill Showgrounds - Hurney Road, Home Hill

Author and Title: Pam Miller, Rates Supervisor

Executive Summary

Council has received a request from the Gudjuda Reference Group Aboriginal Corporation that consideration be given to exempting or reducing rates, at least until the Social Enterprise is producing a return above maintenance and running cost level, over Reserve land described as Part B Lot 91 & Lot 99 SB 202 Reserve 95 for Showground and Recreation & Lot 347 SB365 Reserve 115 for Showground and Recreation. The Local Government Act provides guidelines to determine which land is exempt from rating or when concessions may be granted.

Recommendation

It is recommended as follows:

1. that 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 from 07/02/2012 to 30/06/2015 on land leased by the Gudjuda Reference Group Aboriginal Corporation, described as Part B Lot 91 & Lot 99 SB 202: Reserve 95 for Showground & Recreation & Lot 347 SB365: Reserve 115 for Showground & Recreation Parish of Inkerman on the basis that the Corporation is an entity whose objects do not include the making of a profit and which has a public benefit;
2. that Council waive the interest charges on the unpaid General Rates, CBD 1 Separate Charge, CBD 2 Separate Charge and Environmental Separate Charge on property number 17251; and

-
3. that Gudjuda Reference Group Aboriginal Corporation be required to submit audited financial statements before consideration is given to any further request for rates concession beyond 30/06/2015.

Background Information

Rates and Charges have been levied to the Gudjuda Reference Group Aboriginal Corporation since commencement of lease on 07/02/2012 and remain unpaid. Rates and Charges levied for General Rate, Sewerage Charge, Water Access Charge, Water Consumption, CBD 1 Separate Charge, CBD 2 Separate Charge and Environmental Separate Charge are as follows:

2011/2012	\$3,077.76
2012/2013	\$8,909.41
2013/2014	\$10,718.68
2014/2015	<u>\$7,960.71</u>
Total Rates & Charges	\$30,666.56

The total of \$30,666.56 includes a credit of \$3,259.27 for 50% adjustment of water consumption charges from 16/5/12 to 12/05/14 due to an undetected leak. A further adjustment will be made from 12/05/14 to immediately after replacement of internal water pipes.

Rates are overdue and are attracting 11% interest charges on overdue rates.

Once rates are paid, the Gudjuda Reference Group Aboriginal Corporation would be eligible to receive a donation equivalent to 90% of the remission of half the sum of the relevant sewerage charges in respect of second and subsequent pedestals under Council's Donations' Policy as follows:

2011/2012	\$557.09
2012/2013	\$1,451.52
2013/2014	\$1,496.25
2014/2015	<u>\$1,556.10</u>
Total Standing Donation	\$5,060.96

Legislation

Relevant sections of the Local Government Act 2009 and Local Government Regulation 2012 dealing with exemptions and concessions and some LGAQ commentary are included at Appendix A.

Public Benefit

Under the terms of Council's lease with Gudjuda Reference Group Aboriginal Corporation the permitted use of the land is as a 'Social Enterprise' namely the provisions of training and employment services for the under employed and unemployed indigenous people of the Burdekin district.

In their letter of request Gudjuda Reference Group Aboriginal Corporation state an exemption or reduced rates would take some considerable strain from the financial requirements in the development stage of the Social Enterprise, giving Gudjuda a chance to build the enterprise,

market the services and build the return on investment that in turn will build small business, training and employment opportunities for the Burdekin region.

Further, Gudjuda Reference Group Aboriginal Corporation also state the Social Enterprise is directly employing twelve (12) indigenous and two (2) non-indigenous people. Also, within the now finished Skilling Queenslander for work program, Gudjuda Social Enterprise has gained employment for 80 people in three years with no government funding support other than the Business Development Manager's wage.

Precedents

With the exception of North Queensland Competitive Employment Service Ltd, all sporting/cultural/community "not for profit" organisations on Council owned or controlled land are exempt from the general rate, CBD separate charges and environment separate charge.

Council at its meeting held on 12th November, 2013 resolved *"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 Services Ltd from Burdekin Shire Council, described as Part F Lot 24 SP156119, Parish of Antill, on the basis that the entity does not rely on volunteers and receives significant government funding."*

Other Potential Applications

Other sporting/community/cultural associations that are paying rates on freehold land include the following:

Ayr and Lower Burdekin Caledonian Association
Giru Polocrosse Club Inc

Link to Corporate/Operational Plan

N/A

Consultation

N/A

Legal Authority or Implications

Local Government Act 2009 and Local Government Regulation 2012

Policy Implications

Applications are considered on their merits.

Financial and Resource Implications

Council's practice to date has been to exempt the general rate, CBD separate charges and environment separate charge for such applications.

Decisions to exempt the current and potential applications will result in lost future revenue which would currently be:

Gudjuda Reference Group Aboriginal Corp	(2011/2012)	\$ 897.07
Gudjuda Reference Group Aboriginal Corp	(2012/2013)	\$3,975.78
Gudjuda Reference Group Aboriginal Corp	(2013/2014)	\$4,133.18
Gudjuda Reference Group Aboriginal Corp	(2014/2015)	<u>\$4,793.48</u>
Total		\$13,799.51

Report prepared by:

Pam Miller, Rates Supervisor

Report authorised by:

Kim Olsen, Manager Financial and Administrative Services

Attachments

1.1. Appendix A – Legislation

Appendix A – Legislation

Local Government Act 2009

Section 93 – Land on which rates are levied

(1) Rates may be levied on rateable land.

(2) **Rateable land** is any land or building unit, in the local government area, that is not exempted from rates.

(3) The following land is exempted from rates—

(i) land that is exempted from rating, by resolution of a local government, for charitable purposes;

The following comments are taken from the LGAQ Commentary to the Regulation.

“... It is considered that the term “charitable” would be given its technical legal meaning which is not limited to “charities” as the term is used in popular language, but extends to educational purposes, uses related to assistance to the poor, uses related to assistance to the sick and, very broadly, other purposes beneficial to the public.”

Essentially, “subsection (3)(i) allows a local government to grant rates exemption whenever land is being used for a purpose which has a public service element and which is conducted on a non-profit basis. The concept of “non-profit” does not necessarily require that revenue

never exceeds expenses; what is required is that all revenue goes directly towards advancing the relevant public purpose and that no individual makes a personal profit out of the operations of the activity.”

The key point to bear in mind at all times is that the exemption is not automatic – the Council decides whether rates should be paid or not.

Local Government Regulation 2012

Section 119 – Concession for rates or charges

A local government may grant a rate payer a concession for rates or charges for land only under this part.

Section 120 – Criteria for granting concession

(1) The local government may grant the concession only if it is satisfied—

- (b) the land is owned by—*
 - (i) an entity whose objects do not include making a profit; or*

121 - Types of concession

The concession may only be of the following types—

- (a) a rebate of all or part of the rates or charges;*

122 - Resolutions for granting concession

(1) The local government may grant the concession only by—

- (a) a resolution granting the concession to a stated rate payer.*

5.2 Adoption of Complaints Regarding Corrupt Conduct of the CEO Policy

Document Information

Referring Letter No: N/A

File No: N/A

Name of Applicant: N/A

Location: N/A

Author and Title: Rebecca Woods Executive Officer

Executive Summary

A policy for dealing with complaints regarding corrupt conduct by the CEO has been developed in consultation with the Crime and Corruption Commission. The aim of the policy is to maintain transparency and integrity of Council.

Recommendation

That Council adopts the attached "Complaints Regarding Corrupt Conduct by the CEO Policy".

Background Information

Changes to the Crime and Corruption Act 2001 which came into effect on 1 July 2014, require Council to have in place a policy for dealing with complaints of corrupt conduct that involve, or may involve, the CEO. Section 48 of the Act details the requirements of the policy. The Crime and Corruption Commission provided all units of public administration with a template off which to base their policy.

Link to Corporate/Operational Plan

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

Consultation

Council has an obligation to consult with the Crime and Corruption Commission in developing or amending this policy. The draft policy has been forwarded to the CCC and they have provided feedback. The policy has been amended to include their feedback.

Legal Authority or Implications

s48 Crime and Corruption Act

48A Policy about how complaints involving public official are to be dealt with

- (1) A public official must, in consultation with the chairman, prepare a policy about how the unit of public administration for which the official is responsible will deal with a complaint that involves or may involve corruption of the public official.
- (2) The policy may nominate a person other than the public official to notify the commission of the complaint under section 37 or 38, and to deal with the complaint under subdivision 1 or 2, on behalf of the public official.
- (3) If the policy includes a nomination as mentioned in subsection (2), this Act applies as if a reference about notifying or dealing with the complaint to the public official were a reference to the nominated person.

Example of operation of subsection (3)—

If a policy prepared under this section for a unit of public administration includes a nomination as mentioned in subsection (2)—

- a) under section 38 as applying under subsection (3), the nominated person must notify the commission of complaints about the relevant public official that the person suspects involve or may involve corrupt conduct; and
 - b) under section 35(1)(b) as applying under subsection (3), the commission may refer complaints about the relevant public official to the nominated person for the nominated person to deal with; and
 - c) under section 42 or 44 as applying under subsection (3), the nominated person must deal with complaints about the relevant public official referred to the nominated person by the commission.
- (4) In this section—
complaint includes information or matter.

Policy Implications

This is a new policy and will be added to Council's policy register

Financial and Resource Implications

N/A

Report prepared by:

Rebecca Woods

Report authorised by:

Matthew Magin

Attachments

1. Complaints Regarding Corrupt Conduct by the CEO Policy



Complaints Regarding Corrupt Conduct by the CEO Policy

Commencement Date: <D Month YYYY>

Function: Governance

RESPONSIBILITIES

Policy Owner	Manager Governance and Local Laws
Policy Contact	Executive Officer
Approval Authority	Council
Consultation	Crime and Corruption Commission
Next Review Date	30 Sept 2016

REVISION HISTORY

Rev	Status	Date	Approver / Meeting	Resolution / Document No.
0.1	Draft	15-9-2014		
1.0	Revised Draft	1-12-2014		

1 PURPOSE

The purpose of this policy is to provide Council with direction for dealing with any complaints that may arise that involves, or may involve corrupt conduct by the CEO so that integrity and transparency are maintained.

2 SCOPE

This policy applies to any complaints, information or matters received by Council which involve allegations of corrupt conduct by the CEO. 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, or 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-

- an employee; or
- a contractor or subcontractor; or
- an employee of a contractor or subcontractor; or
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- an apprentice; or
- a trainee; or
- a student gaining work experience; or
- a volunteer.

3 POLICY RATIONALE

The policy is designed to assist Council to:

-
- a) Comply with s48A of the *Crime and Corruption Act 2001*
 - b) Promote public confidence in the way suspected corrupt conduct of CEO of Council is dealt with (s34(c) CC Act)
 - c) Promote accountability, integrity and transparency in the way Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

4 DEFINITIONS

“Crime and Corruption Commission”

The Commission continued in existence under the Crime and Corruption Act 2001

“CC Act”

Crime and Corruption Act 2001

“Complaint”

For the purposes of this policy, complaint means not only a formal complaint, but also—

- ‘information’ that might be received through such means as internal audits, media articles
- ‘matter’ that might be received through such means as court proceedings, or referrals from the Coroner or a public inquiry.

“Corruption”

Means corrupt conduct.

“Conduct”

The act, manner, or process of carrying on.

Includes-

- Neglect, failure or inaction
- Conspiracy to engage in conduct
- Attempt to engage in conduct

“Corrupt Conduct”

Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—

- a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - i. a unit of public administration; or
 - ii. a person holding an appointment; and
- b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - i. is not honest or is not impartial; or
 - ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and

-
- c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
 - d) would, if proved, be—
 - i. a criminal offence; or
 - ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Conduct that involves any of the following could be corrupt conduct—

- a) abuse of public office;
- b) bribery, including bribery relating to an election;
- c) extortion
- d) obtaining or offering a secret commission;
- e) fraud;
- f) stealing;
- g) forgery;
- h) perverting the course of justice;
- i) an offence relating to an electoral donation;
- j) loss of revenue of the State;
- k) sedition;
- l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm;
- m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person;
- n) illegal drug trafficking;
- o) illegal gambling.

“Nominated Person”

Is the position nominated by this Policy to deal with complaints, information or matters involving corrupt conduct or alleged corrupt conduct by the CEO.

“Reasonable Suspicion”

Is suspicion based on evidence sufficient for a reasonable person to **suspect** corrupt conduct. You do not have to “believe” that the alleged conduct is corrupt conduct, or that the conduct has actually occurred.

5 POLICY APPLICATION

This policy applies:

- If there are grounds to suspect that a complaint may involve corrupt conduct of Burdekin Shire Council's CEO.
- To all persons who hold an appointment in, or are employees of, the Burdekin Shire Council.

6 POLICY STATEMENT

- 6.1. As a Unit of Public Administration (UPA), Council is committed to providing open, honest and transparent processes particularly in respect of dealing with complaints regarding corrupt conduct of the CEO.

6.2. NOMINATED PERSON

Having regard to s48A (2) and (3) of the CC Act, Council nominates:

The Independent Chair of the Internal Audit Committee; and

The Mayor Burdekin Shire Council as the nominated persons to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

The nominated persons will, with or without consulting the CCC or the Minister for Local Government, Community Recovery and Resilience decide who will be the nominated person for the particular complaint; and

- the nominated person for that particular complaint will inform the CCC and the Minister for Local Government, Community Recovery and Resilience that they are the nominated person for the particular complaint.

7 COMPLAINTS INVOLVING A REASONABLE SUSPICION OF CORRUPT CONDUCT OF THE CEO

Council can accept complaints involving reasonable suspicion of corrupt conduct of the CEO through Council's Complaints Management System or they can be referred directly to either of the nominated persons.

Complaints involving reasonable suspicion of corrupt conduct of the CEO can also be referred directly to the CCC, the Minister of Local Government, Community Recovery and Resilience, the Queensland Ombudsman or to the Police.

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- a) notify the CCC of the complaint, and
- b) deal with the complaint, subject to the CCC's monitoring role, when-
 - directions issued under s40 apply to the complaint, if any, or
 - pursuant to s46, the CCC refers the complaint to the Mayor or the Independent Chair of the Internal Audit Committee to deal with.

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part the CEO must:

- i) report the complaint to one or both of the nominated persons as soon as practicable and may also notify the CCC, and
- ii) take no further action to deal with the complaint unless requested to do so by a nominated person in consultation with the Minister of Local Government, Community Recovery and Resilience.

Where directions issued under s40 apply to the complaint:

- i) the nominated person is to deal with the complaint, and
- ii) the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Minister of Local Government, Community Recovery and Resilience.

8 RESOURCING THE NOMINATED PERSON

If pursuant to ss40 or 46 the nominated person has responsibility to deal with the complaint:

- i) Burdekin Shire Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately, and
- ii) the nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:

- Authorisation under a law of the Commonwealth or the State, or
- The consent of the nominated person

iii) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:

- Purposes of the CC Act
- The importance of promoting public confidence in the way suspected corrupt conduct in Burdekin Shire Council is dealt with, and
- Burdekin Shire Council's statutory, policy and procedural framework.

If the nominated person has responsibility to deal with the complaint, they:

- Are delegated the same authority, functions and powers as the CEO to direct and control staff of Burdekin Shire Council as if the nominated person is the CEO of Burdekin Shire Council for the purpose of dealing with the complaint only.
- Are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Burdekin Shire Council for the purpose of dealing with the complaint.
- Do not have any authority, function or power that cannot – under the law of the Commonwealth or State- be delegated by either the Mayor or the CEO, to the nominated person; and

9 PRINCIPLES

Procedural Fairness

When dealing with a matter under this policy procedural fairness principles must be observed.

Managing Conflicts of Interest

The nominated person/s must ensure that they manage any real or perceived conflicts of interest in relation to dealing with matters under this policy.

10 PROCEDURES

Liaising with the CCC

The CEO is to keep the CCC and the nominated person/s informed of:

- The contact details for the CEO and the nominated persons (where there is more than one nominated person)
- Any proposed changes to this policy

Consultation with the CCC

The CEO will consult with the CCC when preparing or amending any policy about how the Burdekin Shire Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.

11 LEGISLATION

Crime and Corruption Act 2001

Local Government Electoral Act 2011

Building Act 1975

Environmental Protection Act 1994

Invasion of Privacy Act 2014

Plumbing and Drainage Act 2002

Regional Planning Interests Act 2014

Water Act 2000

Sustainable Planning Act 2009

Liquor Act 1992

Public Interest Disclosure Act 2010

Electoral Act 1992.

5.3 Adoption of Revised Procurement Policy

Document Information

Referring Letter No: N/A

File No: N/A

Name of Applicant: N/A

Location: N/A

Author and Title: Rebecca Woods- Executive Officer

Executive Summary

Under the *Local Government Regulations 2012* a local government must review its procurement policy annually. The procurement policy has been reviewed and updated in line with changes to the organisational structure for the 2014/2015 financial year.

Recommendation

That Council adopts the attached Procurement Policy 2014/2015

Background Information

Council has an existing procurement policy which was adopted in July 2013. The policy is reviewed annually.

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 198 of the *Local Government Regulation 2012* **Procurement policy**

(1) A local government must prepare and adopt a policy about procurement (a ***procurement policy***).

(2) The procurement policy must include details of the principles, including the sound contracting principles, that the local government will apply in the financial year for purchasing goods and services.

(3) A local government must review its procurement policy annually.

Policy Implications

This is a revised policy and will replace the 2012/2013 Procurement Policy in Council's policy register.

Financial and Resource Implications

N/A

Report prepared by:

Rebecca Woods Executive Officer

Report authorised by:

Kim Olsen Manager Financial and Administrative Services

Attachments

1. Procurement Policy 2014/2015



Procurement Policy 2014/2015

Commencement Date: 23 July 2013

Function: Financial Management

RESPONSIBILITIES

Policy Owner	Manager- Financial and Administrative Services
Policy Contact	Manager - Financial and Administrative Services
Approval Authority	Council
Next Review Date	01 June 2015 (reviewed annually)

REVISION HISTORY

Rev	Status	Date	Approver / Meeting	Resolution / Document No.
1.0	Adopted	23/7/2013	Ordinary Council Meeting	1276315
1.1	Draft	3/12/2014		

1 PURPOSE

The purpose of this policy is to regulate and guide all Council procurement and contracting activities to be carried out in compliance with the *Local Government Act 2009* (the "Act") and the *Local Government Regulation 2012* (the "Regulation").

2 SCOPE

This policy applies when entering into contracts for the carrying out of work by others; or, the supply of goods or services; or, the disposal of non-current assets but not the making of a contract of employment.

3 OBJECTIVES

The objectives of this policy are to achieve advantageous procurement outcomes by:-

- (a) promoting value for money with probity and accountability; and
- (b) advancing Council's economic, social and environmental policies; and
- (c) providing reasonable opportunity for competitive local businesses that comply with relevant legislation to supply to Council; and
- (d) promoting compliance with relevant legislation.

4 PRINCIPLES

Council officers must have regard to the following **sound contracting principles** in all purchasing and disposal activities:

(a) **Value for money**

Council must harness its purchasing power to achieve the best value for money. The concept of value for money is not restricted to price alone. The value for money assessment must include consideration of:-

-
- (i) contribution to the advancement of Council's priorities; and
 - (ii) fitness for purpose, quality, services and support; and
 - (iii) whole-of-life costs including costs of acquiring, using, maintaining and disposal; and
 - (iv) internal administration costs; and
 - (v) technical compliance issues; and
 - (vi) risk exposure; and,
 - (vii) the value of any associated environmental benefits.

(b) Open and effective competition

Purchasing and disposal should be open and result in effective competition in the provision of goods and services and disposal of assets. Council must give fair and equitable consideration to all prospective suppliers or purchasers.

(c) The development of competitive local business and industry

Council encourages the development of competitive local businesses within its local government area.

Where price, performance, quality, suitability and other evaluation criteria are comparable, the following areas may be considered in evaluating offers:-

- (i) creation of local employment opportunities;
- (ii) more readily available servicing support;
- (iii) more convenient communications for contract management;
- (iv) economic growth within the local area;
- (v) benefit to Council of associated local commercial transaction.

(d) Environmental protection

Council promotes environmental protection through its procurement procedures and will:-

- (i) promote the purchase of environmentally friendly goods and services that satisfy value for money criteria; and
- (ii) foster the development of products and processes of low environmental and climatic impact; and
- (iii) provide an example to business, industry and the community by promoting the use of environmentally friendly goods and services; and
- (iv) encourage environmentally responsible activities.

(e) Ethical behaviour and fair dealing

Council officers involved in contracting activities for purchasing and disposal are to behave with impartiality, fairness, independence, openness, integrity, and professionalism in their discussions and negotiations with suppliers or purchasers and their representatives.

5 DEFINITIONS

apparent value is defined in Valuable Non-Current Asset Contract Clause 6.6 of this policy.

contract is an agreement between two or more parties, especially one that is written and enforceable by law e.g. petty cash receipt, purchase card receipt, purchase order, formal contract document.

contracting activities are activities for the making of a contract for—

- (a) the carrying out of work; or
- (b) the supply of goods or services; or
- (c) the disposal of non-current assets but
- (d) not for a contract of employment with a local government employee.

expected value of a contractual arrangement with a supplier for a financial year is the total expected value of all the Council's contracts in the financial year with the supplier for goods and services of a similar type.

large-sized contractual arrangement is a contractual arrangement with a supplier that is expected to be worth, exclusive of GST, \$200,000 or more in a financial year.

medium-sized contractual arrangement is a contractual arrangement with a supplier that is expected to be worth, exclusive of GST, \$15,000 or more but less than \$200,000 in a financial year.

preferred supplier arrangement is defined in the Exceptions Clause 6.5 of this policy.

valuable non-current asset is—

- (a) land; or
- (b) another non-current asset that has an apparent value that is equal to or more than a limit set by the local government.

valuable non-current asset contract is a contract for the disposal of a valuable non-current asset.

6 POLICY STATEMENT

6.1 RESPONSIBILITY OF COUNCIL OFFICERS

Council officers responsible for the procurement of goods and services and disposal of non-current assets must comply with this policy. It is the responsibility of Council officers involved in the procurement and contracting process to understand the meaning and intent of this policy.

Substantial or repeated non-compliance with this policy by Council officers will be subject to disciplinary procedures as stated in the Enterprise Bargaining Agreement or in the case of Contract employees as per the Contract of Employment.

6.2 CONTRACTUAL ARRANGEMENT UNDER \$15,000

- (a) for purchases **under \$50, excluding GST**, for day to day minor expenses, payment may be made out of petty cash or by purchase card except where defined otherwise by the policy;
- (b) for purchases **over \$50 and under \$5,000, excluding GST**, at least one verbal quotation is required and may be made by purchase card subject to procedural limitations;

-
- (c) for purchases **from \$5,000 to under \$15,000, excluding GST**, a minimum of two verbal quotations are required and details attached to the purchase order requisition in the financial system.

These requirements are subject to the exceptions paragraph in this policy.

Purchases shall be made by purchase orders except where defined otherwise in this policy.

6.3 MEDIUM-SIZED CONTRACTUAL ARRANGEMENT-QUOTES NEEDED FIRST

These arrangements are for purchases from a supplier that it is expected to be worth **over \$15,000 but less than \$200,000 excluding GST**.

The **expected value** of a contractual arrangement with a supplier for a financial year is the total expected value of all of the Council's contracts, in the financial year, with the supplier for goods and services of a similar type.

These purchases are governed by Regulation Sections 224, 225 and Regulation Division 3 of Chapter 6 Contracting.

Generally, the following applies:

Council cannot enter into a medium-sized contract unless Council first invites written quotes for the contract.

The invitation must be to at least three persons who Council considers can meet Council's requirements, at competitive prices. Council may decide not to accept any of the quotes it receives.

However, if Council does decide to accept a quote, Council must accept the quote most advantageous to it having regard to the sound contracting principles.

Receipt of 2 quotes from the 3 invitations is considered sufficient to complete the contract assessment and awarding.

These requirements are subject to the exceptions paragraph in this policy.

Records of quotes must be kept on file in the ECM Records system as well as attached to the Purchase Order requisition in the financial system.

Purchases shall be made by purchase orders except where defined otherwise in this policy.

6.4 LARGE-SIZED CONTRACTUAL ARRANGEMENT-TENDERS NEEDED FIRST

These arrangements are for purchases from a supplier that it is expected to be worth **\$200,000 or more excluding GST**.

The **expected value** of a contractual arrangement with a supplier for a financial year is the total expected value of all of the Council's contracts, in the financial year, with the supplier for goods and services of a similar type.

These purchases are governed by Regulation Sections 224, 226, 228 and Regulation Division 3 of Chapter 6 Contracting.

Generally, the following applies:

Council must either invite written tenders under Regulation Sections 226 and 228 or invite expressions of interest decided by Council resolution under Section 228(3) before considering whether to invite written tenders under Section 228(6) (b).

The invitation for tenders or expressions of interest must:-

- (a) be made by an advertisement in a newspaper that circulates generally in the local government area of Council; and
- (b) allow written tenders or expressions of interest to be given to Council for at least 21 days after the advertisement is published.

These requirements are subject to the exceptions paragraph in this policy.

Records of tenders must be kept on file in the ECM Records system.

Purchases shall be made by purchase orders or certified progress certificates whichever is more efficient and effective relevant to the contract arrangement details such as contract term.

6.5 EXCEPTIONS

Regulation Chapter 6 Contracting, Part 3 Default contracting procedures at Division 3 (Sections 229-235) identifies exceptions for medium-sized and large-sized contracts. If one of the exceptions applies, Council may enter into:-

- (a) a medium-sized contract without first inviting written quotes; or
- (b) a large-sized contract without first inviting written tenders.

The exceptions are summarized as follows:

Section 230 – If quote or tender consideration plan prepared

Section 231 – For contractor on approved contractor list

Section 232 – Register of pre-qualified suppliers

Section 233 – For a preferred supplier arrangement[^]

Section 234 – For LGA arrangement*

Section 235 – Other exceptions

- (a) resolution on sole supplier
- (b) specialized or confidential nature of services
- (c) genuine emergency exists
- (d) purchase of goods at auction
- (e) purchase of second-hand goods
- (f) an arrangement with a government agency.

[^] The **preferred supplier arrangement is recommended** as the most efficient and effective contractual arrangement for Council where

- goods or services are needed in large volumes or frequently; and

- better value for money is able to be obtained by accumulating demand for goods or services; and
- goods and services are able to be described in terms which would be well understood in the relevant industry

* A range of **LGA arrangements** are put in place by LGAQ Ltd and Local Buy. When assessing the most effective and advantageous method of obtaining goods and/or services, Council officers should consider the administrative and price costs to Council of seeking tenders or quotations independently, and the reduction of these costs which can be achieved by use of LGAQ Ltd and Local Buy arrangements.

6.6 VALUABLE NON-CURRENT ASSET CONTRACT – TENDERS OR AUCTION NEEDED

A valuable non-current asset contract is a contract for the **disposal of a valuable non-current asset**.

A valuable non-current asset is:-

- land; or
- another non-current asset that has an apparent value that is equal to or more than the limit set by Council.

The **apparent value** limits for disposal of valuable non-current assets set by Council in compliance with the Regulation are:-

- for land - \$1;
- for plant or equipment - \$5,000; and
- for another type of non-current asset - \$10,000

Regulation Section 227 provides that Council cannot enter into a valuable non-current asset contract unless it first:-

- invites written tenders for the contract under Regulation Section 228; or
- offers the non-current asset for sale by auction*.

This requirement is subject to Regulation Section 236 Exceptions for valuable non-current asset contracts.

Disposal of a less than valuable Council asset or goods is to be authorized by the appropriate manager with advice from the disposing officer as follows

- 1) Seek evidence of the value of the disposal item such as recent sales of similar items, original purchase invoice discounted for age, advice from secondhand dealer or another appropriate method to establish a comparative or reserve disposal price;
- 2) Seek offers in an appropriate and cost-efficient and effective manner such as on-line auction*, local advertisement in a newspaper and/or advertisement on Council's website or another open and accountable method;
- 3) Disposal advertisements can include advice that Council may decide not to accept any of the offers it receives; and
- 4) Receipt, opening and assessment of offers are to be dealt with in a

manner to achieve similar confidentiality to tenders.

Notwithstanding the above, assets or goods up to an estimated value of up to \$500 may be disposed of directly to a secondhand dealer.

* **Sale by online auction is a preferred Council method**, where feasible, taking into account listing requirements, delivery arrangements, etc.

6.7 PUBLISHING DETAILS OF PARTICULAR CONTRACTS

Regulation Section 237 requires that, Council must as soon as practicable after entering a **contract worth \$200,000 or more exclusive of GST –**

- (a) publish the relevant details of the contract on the Council's website; and
- (b) display the relevant details of the contract in a conspicuous place in the Council's public office for a period of at least 12 months.

Relevant details of a contract means:-

- (a) the person with whom the Council has entered into the contract;
- (b) the value of the contract;
- (c) the purpose of the contract.

6.8 DELEGATIONS

The Council delegates to the **Chief Executive Officer (CEO)**, in accordance with Act Section 257 Delegation of local government powers and Regulation Section 238 Entering into a contract under delegation, the power to make, amend or discharge a contract for the Council as follows and the CEO may delegate this power under Act Section 259 :-

- (1) The delegate may make, amend or discharge a contract (the *contractual action*) for the local government if—
 - (a) the local government's expenditure because of the contractual action has been provided for in the approved annual budget for—
 - (i) the financial year when the contractual action is taken; or
 - (ii) the financial year in which the delegation is made, if the expenditure is within the limits stated in the resolution making the delegation; or
 - (b) the contractual action has been taken because of genuine emergency or hardship.
- (2) The delegate may take the contractual action in the same way as an individual.
- (3) This section does not affect another law that requires—

-
- (a) an approval, consent or permission to be obtained; or
 - (b) a procedure to be complied with for taking the contractual action.

Only Council officers listed in the **Financial Delegations Register** are entitled to authorise purchase orders, and then only in accordance with their financial delegation limits. By authorising a purchase order, all officers are confirming that they have taken full notice and will comply with all of the requirements of this policy.

6.9 SPECIALTY PURCHASING

Certain goods and services shall be purchased by officers with experience and expertise in that particular area. The use and type of certain goods and services may be subject to legislation and/or codes of practice or other external influences that have a bearing on the type of goods or services purchased.

There is a benefit to Council and its employees in having those officers responsible for sourcing and purchasing such goods and services.

The **Specialty Purchasing Register** lists the type of goods and services and the associated officers responsible for purchasing same.

6.10 GOODS OR SERVICES EXEMPT FROM ISSUE OF PURCHASE ORDER

Certain goods and services by their nature do not require a purchase order to be prepared to effect their payment. These goods and services require the preparation of a voucher only authorised by the appropriate officer with a sufficient financial delegation to authorise payment.

There is an efficiency benefit to Council and its employees in following this course of action.

The **Register of Goods and Services Exempt from Issue of Purchase Orders** identifies the type of goods and services pertaining to this section.

6.11 EFFECTIVE & EFFICIENT PURCHASING PROCESSES

Council officers will undertake purchasing activities in the most effective and efficient manner to minimise administrative costs associated with purchasing by:

- Seeking opportunities to streamline purchasing processes;
- Utilising technological advancements and electronic commerce applications, supported by appropriate controls aimed at reducing the administrative costs associated with purchasing;
- Adopting a clear and consistent approach to its purchasing activities including the use of standard documents and contracts;
- Seeking continuous improvement of purchasing practices by maintaining a program of training and professional development for staff.

7 LEGISLATION

Local Government Act 2009

Local Government Regulation 2012

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

10 PLANNING & DEVELOPMENT

10.1 Tony Felesina - Request to Change an Existing Approval for the Independent Living Accommodation at 56-58 Chippendale Street, Ayr (Lot 17 on RP702334 Parish of Antill, County of Gladstone)

Document Information

Referring Letter No: 1396432

File No: 226 (Cons13/0013)

Name of Applicant: Tony Felesina

Location: 56-58 Chippendale Street, Ayr (Lot 17 on RP702334 Parish of Antill, County of Gladstone)

Author and Title: S. Great – Manager Planning and Development

Executive Summary

Burdekin Shire Council acting as the Assessment Manager has received a request to change an existing approval from Groves and Clark on behalf of their client Tony Felesina for the Independent Living Accommodation at 56-58 Chippendale Street, Ayr (Lot 17 on RP702334 Parish of Antill, County of Gladstone)

Recommendation

That Council approves the request to change an existing approval 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:

STAGE 1 Building A and C, Units 1-7

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 residential accommodation of persons with special needs (Disability or Health issues) and for the aged or elderly.
"Aged or elderly" shall be defined as being a person who
 - (i) meets the age requirement for age pension as defined by Centrelink and
 - (ii) is in receipt of an aged pension or is a self funded retiree.
- 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		A18 issue D	20/11/14

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 DWG No A18 issue D.
- 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 6.2.

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 seven mobile refuse bins, seven recycling bins, and one green waste bin;
- 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.

ADVICE (Note: These are not conditions)

- 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.
- In accordance with clause 4.6.5 of the Waste Management Policy, Council's authorised officers may amend waste management services depending on the needs of the residents and the waste generated. If the bins provided to this facility are insufficient for the amount of waste generated, it will be the responsibility of the property owner to take excess waste to Council's waste facilities or to arrange provision and appropriate storage of additional bins.

Stage 2 Building B Units 8-12

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 Accommodation	Living	A18 issue D	20/11/14

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 DWG No A18 issue PD.
- 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.

DRAINAGE

- 6.1 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.
- 6.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

OPERATIONAL WORKS

7. 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

8. 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

9. 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.

LANDSCAPING AND SCREENING

10. 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

- 11.1 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 six mobile refuse bins, six recycling bins, and one green waste bin;
- 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).

- 11.2 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.

11.3 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

11.4 Common rooms must be at least the minimum size required by the subordinate Local Law 1.11 Operation of Rental Accommodation 2012.

AMENITY – NOISE

12.1 The use of the development must not cause an unreasonable nuisance to the surrounding area.

12.2 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)

- 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.
- In accordance with clause 4.6.5 of the Waste Management Policy, Council's authorised officers may amend waste management services depending on the needs of the residents and the waste generated. If the bins provided to this facility are insufficient for the amount of waste generated, it will be the responsibility of the property owner to take excess waste to Council's waste facilities or to arrange provision and appropriate storage of additional bins.

Background Information

The following comments are from the Manager of Planning and Development, Mr Shane Great:

Burdekin Shire Council acting as the Assessment Manager has received a request to change an existing approval from Groves and Clark on behalf of their client for the Independent Living Accommodation at 56-58 Chippendale Street, Ayr (Lot 17 on RP702334 Parish of Antill, County of Gladstone)

The land is zoned 'Residential'. The application has previously been assessed against the relevant sections of the Burdekin Shire Council's IPA Planning Scheme including the 'Residential Zone' Code.

The original application triggered an 'Impact Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (*the scheme*). No properly made submissions were received during the notification period.

The initial development application gave approval for two purpose built accommodation buildings for the clients of Flexi Queensland. Flexi Queensland has recently advised that they would not be proceeding with the lease of the property due to a lack of interest from their clients. This unfortunate situation has meant that the applicant has been left with a purpose built facility with an approval that is longer required. This has generated the need for the owner/applicant to apply for a change to allow the building to be used for another purpose.

The proposed change:

The applicant is seeking to change the approved use for units 1-7 by amending the definition of who can reside in them and also delete the requirement for an on-site supervisor to be present in this section of the complex. To accommodate the change to the approved use, the applicant has provided a definition for the intended tenant that would qualify to reside in Units 1-7 and states:

"Aged or elderly" shall be defined as being a person who:

- (i) Meets the age requirement for age pension as defined by Centrelink and;*
- (ii) is in receipt of an aged pension or is a self funded retiree.*

In addition, a revised plan showing additional onsite car parking has been drafted to demonstrate how car-parking requirements will be addressed. If the change is approved, the new site layout plan will supersede the previous original plans.

Building B comprising units 8-12 are not included as part of this application to change the existing approval therefore, their original use rights remain.

Conclusion:

The request to change the development will not impact on the privacy of adjoining residential properties and is considered to provide ample set back distances, screening and building orientation to protect and promote privacy of adjoining residential properties. To assist in protecting the amenity and lessen undesirable precedent, limitations imposed upon tenants (i.e. pensioners) will limit the ability of the building to be transformed into an affordable housing type development. The development has been assessed against specific planning scheme requirements, and has demonstrated that the amended development will achieve substantial compliance with most aspects of the scheme.

After careful consideration of the request to change, Council's Development Assessment Team members are confident that the intended use will not adversely impact on existing and future residential amenity. It is therefore recommended that Council approve the request subject to the abovementioned amended conditions.

Link to Corporate/Operational Plan

N/A

Consultation

Council's Development Assessment Team members have all assessed the proposed changes and recommended amended conditions.

Legal Authority or Implications

N/A

Policy Implications

N/A

Financial and Resource Implications

N/A

Report prepared by:

S. Great – Manager Planning and Development

Report authorised by:

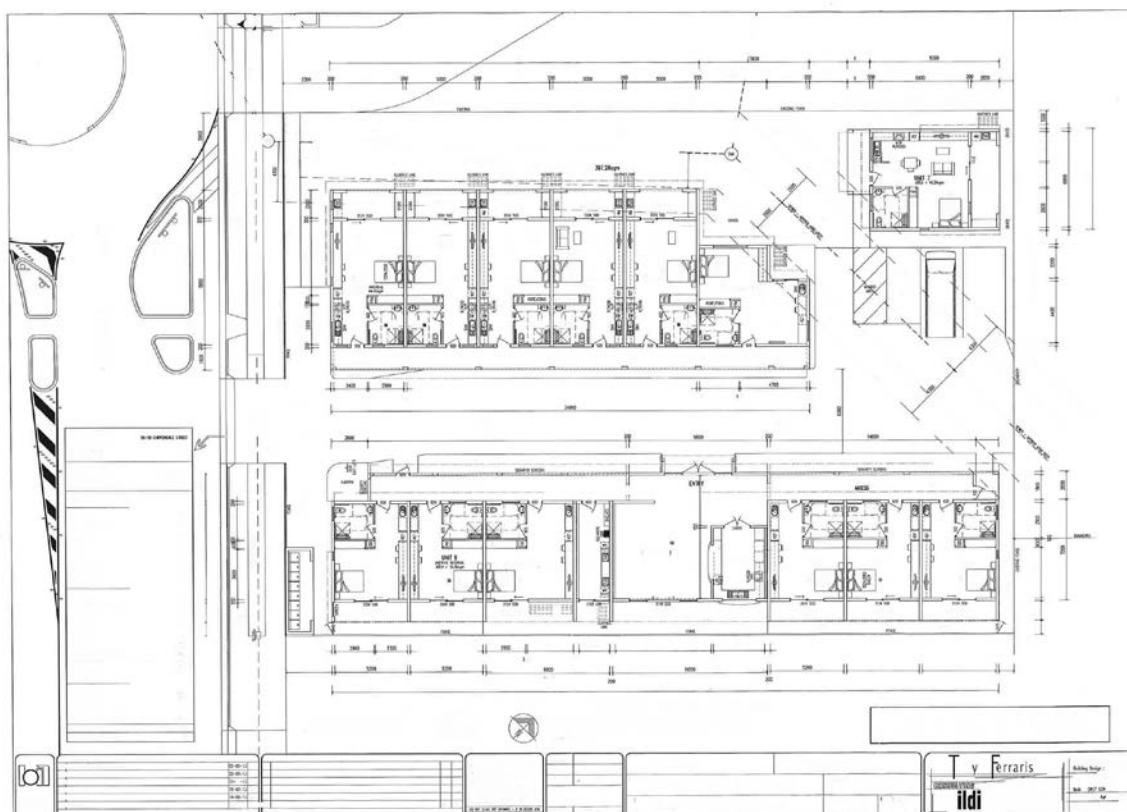
S. Great – Manager Planning and Development

Attachments





Original layout



Ordinary Council Meeting 16 December 2014



11 COMMUNITY DEVELOPMENT

12 ECONOMIC DEVELOPMENT

13 GENERAL BUSINESS

14 CORRESPONDENCE FOR INFORMATION

Tabled Separately

15 NOTICES OF MOTION

15.1 Trustee Leases - Queensland Police-Citizens Youth Welfare Association and Burdekin Amateur Basketball Association

Recommendation

- 1) That under Section 57 (1) of the Land Act 1994 Council agrees to renew the trustee lease with the Queensland Police-Citizens Youth Welfare Association over part of Lot 91 on GS980 for a further term of 5 years with a 5 year option subject to the existing conditions noting that the area to be leased will:
 - a) Include the existing Burdekin Rural Multi-Tenant Service Centre and car parking area:
and
 - b) Include an additional area to cover the proposed extension to the Burdekin Rural Multi-Tenant Service Centre.
- 2) That under Section 57(1) of the Land Act 1994 Council agrees to enter into a trustee lease with the Burdekin Amateur Basketball Association over part of Lot 91 on GS980, the area being the site of the external basketball courts adjacent to the Burdekin Basketball Stadium, for a term of 10 years subject to the usual terms and conditions set by the Department of Natural Resources and Mines, and Council.

16 URGENT BUSINESS

17 CLOSED MEETING ITEMS

18 DELEGATIONS

10.30am Mr Dale Last, LNP Candidate for Burdekin to address Councillors
11.00am Mr Scott Fry, NQ Dry Tropics to provide an overview on the funding project for
Burdekin Waterways

