



BURDEKIN SHIRE COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

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

on 11 April 2017

COMMENCING AT 9:00AM

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TUESDAY 11 APRIL 2017

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1 PRAYER

2 DECLARATIONS OF INTEREST

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 4 April 2017

Recommendation

That the minutes of the Ordinary Council Meeting held on 4 April 2017 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 4 April 2017

**(Ordinary Council Meeting postponed from 28 March 2017 to 4
April 2017 due to the Cyclone Debbie weather event)**

COMMENCING AT 9:00AM



TUESDAY 28 MARCH 2017

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Ordinary Council Meeting 28 March 2017



BURDEKIN SHIRE COUNCIL



Bruce Highway Wangaratta Lot 318 on SP129546 & Lot
132 & 133 on K124204, Parish of Inkerman

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ATTENDANCE

Councillors L.A. McLaughlin (Mayor), E.J. Bawden, J.T. Bonanno, A.J. Goddard and U.E. Liessmann.

Mr. T. Brennan - Chief Executive Officer
Mr. D. Mulcahy – Manager Governance and Local Laws
Mr. S. Great - Manager Planning and Development
Mr. T. Vaccaro – Manager Community Development
Mrs. K. Olsen - Manager Financial and Administrative Services
Mr. G. Keane – Manager Contracts

Minutes Clerk – Mrs. S. Saunders.

Apologies: Councillor J.F. Woods – Attending the Tourism Volunteer Conference.
Councillor S.P. Perry – Approved Leave of Absence.

1 PRAYER

The meeting prayer was delivered by Pastor Peter Holmes of the Burdekin Community Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 14 March 2017

Recommendation

That the minutes of the Ordinary Council Meeting held on 14 March 2017 be received as a true and correct record.

Resolution

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

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 28 February 2017

Recommendation

That the Capital Projects Monthly Report for Period Ending 28 February 2017 be received.

Resolution

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

CARRIED

9.31am - Mr. S. Great - Manager Planning and Development entered the meeting.

9.55am - Mr. T. Vaccaro – Manager Community Development left the meeting.

4.1.1 Ayr Aerodrome – Collection of Landing Fees and Charges

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that Council liaise with Regional and Remote Councils operating airports, to investigate airport usage, fees charged, the method of recovering and if landings are logged.

CARRIED

4.2 Operating Statement for Period Ending 28 February 2017

Recommendation

That the Operating Statement for Period Ending 28 February 2017 be received.

Resolution

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

CARRIED

5 GOVERNANCE & LOCAL LAWS

5.1 Annual Report of Actions and Results for Biosecurity Plan 2016-2020

Executive Summary

The Council's Biosecurity Plan 2016-20 was adopted by Council on 8 March 2016. Part of the action required from the Plan is an annual report on operational activities outlined for 2016.

Recommendation

That the Report on the operational activities for 2016 from the Council's Biosecurity Plan 2016-20 be received and noted.

Resolution

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

CARRIED

5.2 Review of Councillor Expense Reimbursement Policy

Executive Summary

Each Council is required to have an expense reimbursement policy for the payment of expenses incurred by councillors in undertaking their duties and responsibilities. The current Councillor Expense Reimbursement policy was last reviewed in June 2012 and is therefore overdue for review.

The review of the existing policy has been workshopped with councillors and only minor amendments are proposed to the policy. This includes an additional item in the table of expenses relating to legal assistance following a recent Local Government Bulletin issued by DILGP concerning this issue.

Recommendation

That the Council adopt the amended Councillor Expense Reimbursement policy as per the attachment to the Chief Executive Officer's report.

Resolution

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

CARRIED

5.3 Adoption of Revised Enterprise Risk Management Policy

Executive Summary

Council first adopted an Enterprise Risk Management Policy in August 2013. This is the first time the policy has been reviewed by Council since its adoption. The policy outlines Council's commitment to an enterprise wide risk management framework and aims to ensure a consistent approach to risk management process is applied across the organisation.

The original policy was developed to be consistent with requirements of the Australian Standard for Risk Management- AS:NZ:ISO 31000:2009 Risk Management- Principles and Guidelines and this standard is still the current standard for risk management in Australia.

Minor amendments to the policy include changes to the roles and responsibilities- combining the previous Senior Management Team (Executive) and Management Team roles as these responsibilities are now handled by the Senior Leadership Group (SLG).

The policy's review conditions have also been amended from annually, to once every two years.

Recommendation

That Council adopts the attached revised Enterprise Risk Management Policy.

Resolution

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

CARRIED

6 CLIENT SERVICES

6.1 Burdekin Shire Council Logo Design And Recommended Use

Executive Summary

Due to a lack of guidelines around logo use and document formatting (templates) this Council's 'brand' consistency has been compromised. This was identified in a Certex Surveillance Audit (September 2015) where the auditor noted that the majority of our document templates were in different formats and lacked consistency.

The proposed recommendation outlines the use of the Burdekin Shire Council logo as the primary logo and restricts the use of the Coat of Arms to specific applications as set out in the corporate style guide and outlined further below.

The meanings and visual representations of each element within the graphic device of the Burdekin Shire Council logo have also been reviewed with key stakeholders. The suggested changes will ensure our logo accurately reflects what the Burdekin Shire represents.

Recommendation

1. That the Coat of Arms logo only be used for formal, civic (specifically involving the Mayor and/or Councillors) and ceremonial (citizenship, plaques for building/facility openings) purposes that hold specific cultural, historical or significant value to the Burdekin Shire. The Coat of Arms will continue to appear on the Shire flag, Mayoral chain and any historical buildings/sites where it already exists.
2. That the Burdekin Shire Council logo be used, in accordance with the Style Guide, on all other Council documents, electronic media, merchandise etc. which will allow Council to maintain a consistent corporate brand identity.
3. That a Council policy be created to document and outline the conditions around the use of the Coat of Arms and Burdekin Shire Council logo.
4. That the following changes be made to the meaning and visual representation of each coloured element within the graphic device of the Burdekin Shire Council logo.

Coloured Element	Meaning	Visual Representation
Blue	Old: Abundant water reserves New: Abundant water and sunshine	Waves and sun (no change)
Gold	Old: Rich agricultural district New: Strong community	Old: Mangos and cane New: Raised hands and Aboriginal art
Green	Old: Great variety of goods and services New: Rich agriculture	Old: Shopping bags New: Cane and produce
Rust	Old: Great fishing New: Fantastic fishing	A fish (no change)
Olive	The Bountiful Burdekin (no change)	Old: Flowers New: Bridge, Mill and Farm Drills

***KDee Designs are in the process of designing the new logo and artwork will be forwarded shortly.

Resolution

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

CARRIED

7 FINANCIAL & ADMINISTRATIVE SERVICES

7.1 Adoption of Related Party Disclosures Policy and Ordinary Citizen Transactions Listing

Executive Summary

An existing accounting standard AASB 124 Related Party Disclosures has been determined by the Australian Accounting Standards Board to apply to not-for-profit public sector entities from the 1 July 2016.

As a consequence of the applicability of this accounting standard Council is required to disclose material related party relationships, transactions and outstanding balances, including commitments in its annual general purpose financial statements.

Council needs to identify and capture related parties of Council including entities and Key Management Personnel and their close family members. New systems will be implemented to identify and capture these related parties and also financial and non-financial transactions with those related parties.

Council can also determine transactions which can be classified as “ordinary citizen transactions” (OCTs) which may not require disclosure where they are made on same terms and conditions as offered to the general public. The Senior Leadership Group has provided recommended OCT’s which have been presented to the audit committee.

A Related Party Disclosures Policy has been prepared to provide guidance and a framework to mitigate risk of non-compliance.

Recommendation

- A. That Council adopts the Related Party Disclosures Policy.
- B. That Council adopts the following “Ordinary Citizen Transactions” when they are undertaken on the same terms and conditions as offered to the general public:
 - 1) Rates and utility charges
 - 2) Infringements and fines
 - 3) Fees and charges as per Council’s register of fees and charges
 - 4) Use of council facilities – e.g. swimming pools, theatre, halls
 - 5) Attending Council functions that are open to the public
 - 6) Sporting grants (as they have specific guidelines)

Resolution

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

CARRIED

8 OPERATIONS

8.1 Adoption of the Code of Operations - Cemeteries

Executive Summary

Council adopted a Home Hill Cemetery Operations and Code of Operation for Lawn Cemeteries and Columbarium's on 3 June 2008. The document dealt predominantly with the specifications for and dimensions and allowable numbers of plaques, vases and memorials permitted at each of these facilities. The document is very narrow in scope and does not give comprehensive direction to cemetery sextons and those that they interact with in daily operations at Council cemeteries.

The Code of Operations Cemeteries presented for adoption as part of this report is a comprehensive guide reflecting current operations at cemeteries owned and operated by Burdekin Shire Council and replaces the document mentioned in the preceding paragraph. The document clearly identifies procedures and processes to be followed by council staff, bereaved families, funeral directors and stonemasons.

Councillors were given the opportunity to review the Code of Operations Cemeteries at a Council Workshop held on Tuesday 21 February 2017. Councillors were afforded opportunity to make comments and suggest changes as a collective and any recommendations taken from the meeting have been incorporated into the Code of Operation Cemeteries - attached.

Recommendation

That Council adopt the Code of Operations Cemeteries and supporting public application forms as tabled.

Resolution

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

CARRIED

9 TECHNICAL SERVICES

10.22am – Break for Morning Tea.

10.49am – Resume meeting.

10 PLANNING & DEVELOPMENT

10.1 Development Application Material Change of Use for Renewable Energy Facility (PV Solar Farm) and Reconfiguring a Lot (Subdivision by way of Lease) at Bruce Highway Wangaratta Lot 318 on SP129546 & Lot 132 & 133 on K124204, Parish of Inkerman

Executive Summary

Council has received a Development Application from RPS on behalf of their client Koberinga Solar Farm Pty. Ltd. for a Material Change of Use for Renewable Energy Facility (PV Solar Farm) and Reconfiguring a Lot (Subdivision by way of lease) at Bruce Highway, Wangaratta (Lot 318 on SP129546 and Lot 132 & 133 on K124204, Parish of Inkerman, County of Salisbury).

The Material Change of Use proposal is for a non-defined use and triggers an 'Impact Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (the scheme).

Recommendation

That Council approves the Development Application for a Renewable Energy Facility (Solar Farm) and Reconfiguring a Lot (Subdivision by way of lease) at Bruce Highway, Wangaratta (Lot 318 on SP129546 and Lot 132 & 133 on K124204, Parish of Inkerman, County of Salisbury) subject to the following conditions:

Approved Plans

- 1.(a) The proposed development must be completed and maintained generally in accordance with the drawing/documents identified in the Table below, except as otherwise specified by any condition of this approval.

DOCUMENT	REFERENCE	Revision	DATE
Reconfiguration of a Lot (Subdivision by lease)	KOB_LAY_004_2B ROL	02B	15/03/2017
Material Change of Use	KOB_LAY_003_03CMCU	03C	15/03/2017
Town Planning Report	PR133629		7/12/2016

- (b) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail.
- (c) The proposed development must comply with all Planning Scheme requirements as applying at the date of this approval, except as otherwise specified by any condition.

Compliance with conditions

2. The proposed development must comply with all conditions of this development permit prior to the commencement of the use.

Outstanding charges

3. 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.

Notice of Intention to commence the use

4. Prior to the commencement of the use on the site, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.

Public Utility Services/Damage

- 5.1 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.
- 5.2 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.

Road/Access

- 6.1 Construct an all-weather track 4m wide from the existing gate across the road corridor near the railway track to the proposed solar farm access (identified as point A on KOB_LAY_003_03CMCU, Revision 03C). The track is to be constructed within the road corridor and to the satisfaction of the Chief Executive Officer.
- 6.2 Construct a minimum 4m wide bitumen sealed road from the boundary of the State controlled road corridor to the existing gate. Provide evidence of approval by Queensland Rail of any works that are to be constructed within 10m of the centre line of the rail track.
- 6.3 The gate across the road corridor near the railway track is to be removed. There are to be no obstructions placed within the road corridor.
- 6.4 Access from the highway will only be allowed by way of the Alternative Access identified on plan: KOB_LAY_003_03CMCU, Revision 03C.
- 6.5 The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.
- 6.6 The maximum design vehicle used in the development must not exceed the available distance between the closest railway track of the North Coast Line and the intersection with the Bruce Highway plus a safety factor of 5m.

Stormwater

- 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. Where operational works are required to be carried out for the proposed solar farm, the developer must, within the timeframe required by the Sustainable Planning Act 2009 and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-
 - (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is current Registered Professional Engineer of Queensland; and
 - (b) a certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;

Amenity

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

Management Plans

- 10.1 Prepare, implement and maintain a Construction Management Plan (CMP) for the subject site. The CMP must be prepared and certified by a Registered Professional Engineer of Queensland (RPEQ), submitted to the Council and available on site at all times. The CMP must include, but not be limited to, the following details for the construction phase of the approved development:
 - a) a description of all relevant activities to be undertaken on the site during construction including the anticipated staging for bulk earthworks and the construction works program
 - b) a description of the roles and responsibilities for all relevant employees involved in the construction of the project including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval

-
- c) details of any construction sites and mitigation, monitoring, management and rehabilitation measures specific to the site that would be implemented
 - d) statutory and other obligations that the applicant is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies
 - e) details of how the environmental performance of construction will be monitored, and what actions will be taken to address identified potential adverse environmental impacts including soil and water impacts and dust emissions
 - f) emergency management measures including measures to control bushfires.

10.2 Prior to the commencement of construction, the applicant must submit to the Council a Traffic Management Plan (TMP) prepared and certified by a Registered Professional Engineer of Queensland (RPEQ). The TMP must include, but is not limited to:

- i) details of how construction of the project will be managed in proximity to local and regional roads
- ii) details of traffic routes for heavy vehicles, including any necessary route for oversized loads
- iii) details of how any potential safety hazards resulting from the increased vehicle movements will be mitigated during the construction phase
- iv) procedures for informing the public where any road access will be restricted as a result of the project.

10.3 Prior to commencement of works, provide evidence that all relevant approvals from Queensland Rail have been obtained.

10.4 No later than one month prior to the decommissioning of the project, or otherwise agreed to by the Chief Executive Officer, the applicant is to submit to the Council a Decommissioning and Rehabilitation Management Plan prepared and certified by a suitably qualified person. The plan must include but is not limited to:

- i) identification of structures, including but not limited to all solar panels, the substation, the control and facility building and electrical infrastructure, including underground infrastructure to be removed, except where the substation, control room or overhead electricity lines are transferred to or in control of the local electricity network operator, and how they will be removed
- ii) measures to reduce impacts of the development on the environment and surrounding land uses
- iii) details of how the land will be rehabilitated back to its predevelopment condition, including slope and soil profile.

Decommissioning/Post Operations

- 11.1 If the solar farm is not used for the generation of electricity for a continuous period of 12 months, the use shall be considered decommissioned, and the site shall be returned as far as practical, to its condition prior to the commencement of the use, unless otherwise agreed by the Chief Executive Officer.
- 11.2 Within 18 months of the site being decommissioned the site shall be returned as far as practicable to its condition prior to the commencement of construction. All solar panels and associated above ground structures including but not necessarily limited to, the substation, the control and facilities building and electrical infrastructure, including underground infrastructure shall be removed from the site unless otherwise agreed by the Chief Executive Officer, except where the substation, control room or overhead electricity lines are transferred to or in the control of the local electricity network operator.

Advice;

Given that the site is located in a cyclonic region defined as C2, it will be necessary for all buildings and for the solar panel supporting framework (Special structures) to be designed assessed and constructed in accordance with relevant Building Regulations.

Resolution

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

CARRIED

11 COMMUNITY DEVELOPMENT

12 ECONOMIC DEVELOPMENT

12.1 Building Better Regions - Community Investment Stream Funding Program – Development of a Tourism Strategy

Executive Summary

An opportunity has arisen to obtain funding from the Federal Government Building Better Regions fund – Community Investments Stream. The objective of the program is to deliver projects that will create jobs, drive economic growth and build stronger regional communities into the future. An opportunity exists to apply for funding under this program to develop a Tourism Strategy for Burdekin Shire.

Recommendation

That Council endorse the submission of an application under the Federal Government Building Better Regions fund – Community Investments Stream to develop a Tourism Strategy for Burdekin Shire noting that Council's contribution would be \$5,000 of the estimated project costs.

Resolution

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

CARRIED

13 NOTICES OF MOTION

In the absence of Councillor Woods from the meeting the Notices of Motion he submitted were dealt with by Council.

13.1 Deputy Mayor Position Vacant - 5 April 2017

That the position of Deputy Mayor currently occupied by Councillor John Woods be declared vacant from midnight on 5 April 2017 in accordance with the resolution adopted at the Local Government meeting held on 22 November 2016 limiting the term of appointment of the Deputy Mayor to a period of 12 months.

Resolution

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

CARRIED

13.2 Appointment of Deputy Mayor - Councillor Goddard - 5 April 2017

That Councillor Tony Goddard be appointed Deputy Mayor for a period of 12 months commencing at midnight on 5 April 2017 and ending on 5 April 2018.

Resolution

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

CARRIED

14 CORRESPONDENCE FOR INFORMATION

15 GENERAL BUSINESS

15.1 Approved Leave of Absence - Councillor Perry

Resolution

Moved Councillor Goddard, seconded Councillor Bonanno that Council approve leave of absence for Councillor Perry from 1 April 2017 to 9 April 2017.

CARRIED

15.2 Approved Leave of Absence - Councillor Bonanno

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that Council approve leave of absence for Councillor Bonanno from 10 April 2017 to 14 April 2017.

CARRIED

15.3 ANZAC Public Holiday - 25 April 2017 – Reschedule of Ordinary Council Meeting

Resolution

Moved Councillor Liessmann, seconded Councillor Goddard that Council reschedule the Ordinary Council Meeting from 25 April 2017 to 26 April 2017 due to the ANZAC Day Public Holiday.

CARRIED

11.40am - Mr. T. Vaccaro – Manager Community Development returned to the meeting.

11.44am - Mr. G. Keane - Manager Contracts left the meeting.

15.4 Local Government Disaster Management Conference - Mackay - 9 to 11 May 2017

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that Council approve the attendance of Councillors McLaughlin and Goddard at the 2017 Local Government Disaster Management Conference in Mackay from 9 to 11 May 2017 and any expenses for the Councillors to attend the conference be met by Council.

CARRIED

16 CLOSED MEETING ITEMS

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

Resolution

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

- 275(1)(e) contracts proposed to be made by Council;
- 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:

- Consideration of tenders received for TBSC/17/001 – Ayr Pool Refurbishment.
- Ageing in Place Pilot Project.

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

16.1 Ayr Pool Refurbishment - TBSC/17/001 Contract Awarded

Resolution

Moved Councillor Bawden, seconded Councillor Goddard that Council awards Contract TBSC/17/001 – Ayr Pool Refurbishment to Swimplex Aquatics based on their lump sum conforming tender; additional electrical works requested post tender as identified by GHD; and additional costs to substitute the 15kW pump with 2 x 7.5kW pumps.

CARRIED

16.2 Economic Development Queensland - Ageing In Place Pilot Project

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that with respect to the Ageing in Place pilot project in Ayr being undertaken by Economic Development Queensland (EDQ) and in recognition of the lack of suitable housing specifically designed for senior citizens in the area, Council approves the following contribution to the project:-

- Council retain ownership of the land located at 67-69 Mackenzie Street, Ayr to avoid additional stamp duty and holding costs for the project until each lot is sold. Upon each settlement (built form and vacant land lot) Council will receive a payment towards the agreed value of the land of \$120,000.
- Council agrees to waive council related fees capped at \$45,000 (as per the EDQ presentation to Council).
- Council will expedite approval of EDQ's Development Application once a formal application has been lodged.

and the CEO be authorised to enter into a Development Management Agreement with EDQ to reflect these terms.

Voting on Motion

FOR – Councillors Goddard, Liessmann, Bawden and McLaughlin

AGAINST – Councillor Bonanno

4/1

CARRIED

17 DELEGATIONS

There being no further business the meeting closed at 12.26pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 4 April 2017.

MAYOR

4 REPORTS

4.1 Second Amended Budget for 2016/2017

Document Information

Referring Letter No: N/A

File No: 1576

Name of Applicant: N/A

Location: N/A

Author and Title: Kim Olsen - Manager Financial and Administrative Services

Executive Summary

In accordance with the Local Government Act 2009 and the Local Government Regulation 2012, Council may, by resolution, amend the budget for a financial year at any time before the end of the financial year. As required by the regulation, Council has completed the budget revision for 2016/17 and the next two financial years.

Management have completed a review of the 2016/17 budget based on results to the end of February and estimated transactions for the remainder of the financial year.

An amended budget for the 2016/17 financial year is submitted for adoption.

Recommendation

That the amended budget and report for the period ending 30th June, 2017 as tabled be adopted.

Background Information

The amended budget is based on best estimates of expenditure and income as provided by the relevant Managers.

Financial Analysis

The second budget revision has resulted in an increase of \$1,197,420 in the Operating Result. This can be attributed to an increase in revenue of \$499,980 and a reduction in expenditure of \$697,440. These variances have occurred as a result of budget adjustments across all business units. Whilst the increase in income is mainly in the General programs, the expense reduction is the result of changes in:

- General \$132,003
- Waste \$252,737
- Sewerage \$200,400
- Water \$112,300

Increased revenue is mainly from additional operating grants, subsidies and contributions of \$219,151, and sale of contract and recoverable works of \$127,500. The increase in operating grants, subsidies and contributions relates to the increase in Financial Assistance Grants reported in the first budget revision and additional smaller grants and contributions received. Sale of contract and recoverable works increased as Council was awarded additional works under the Main Roads Road Maintenance Performance Contract.

The reduction in expenditure of \$697,440 is a result of:

- a decrease in employee benefits \$693,659
- a decrease in depreciation \$141,300, and
- an increase in materials and services \$132,965.

The decrease in employee benefits has resulted from staff vacancies across Council operations, including Economic Development, Media and Communication, and Technical Services. This decrease is partly offset by an increase to materials and services to allow for design assistance due to vacancies.

The increase to materials and services is a combination of an increase in General programs of \$456,865, and decreases in Water, Sewerage and Waste – totalling \$323,900. General materials and services increases since the first budget revision include contractor payments for weed and pest control (funded from current and prior year environmental grants), an increase to the BSRIT precept, and the increase for technical design assistance.

The reduction in materials and services for waste relates to the removal or deferral of a number of waste disposal projects, whilst the Water and Sewerage reductions are reflective of year to date costs.

In addition to the internal loan payout of \$449,124 included in the first revised budget, a decision was made to finalise the remaining internal loan between Water and General of \$1.8M, which is included in this budget revision. The payout will be achieved by utilisation of surplus funds held in the recurrent maintenance reserve. There are no further inter program borrowings outstanding.

The Capital Works Program has only increased by \$0.25M from the first revision. Included in the Capital Works Program are new projects funded from the Works for Queensland grant of \$2.9M provided by the Department of Infrastructure, Local Government and Planning. An amount of \$450,000 is budgeted to be spent in the 2016/17 year, with the remaining \$2.4M to be spent in 2017/18. Projects funded by the Works for Queensland program expected to be completed in 2016/17 include forecourt shade cover at the Burdekin Theatre, energy efficiency initiatives at the Council chambers, and installation of exercise stations and solar lighting along the Burdekin Be Active Trail.

This revision includes a budget for Other Capital Expenses of \$3,787,800. The new asset management software allows Council to be up to date with capitalisations and disposals; previously they were only calculated at year end.

Link to Corporate/Operational Plan

Strategy 5.3.2 – Ensure Council's financial position is effectively managed.

Strategy 5.3.3 – Adhere to the governance framework and public reporting systems.

Strategy 5.3.4 – Undertake regulatory responsibilities in accordance with state regulations.

Consultation

The amended budget has been prepared and presented by the Finance and Administrative Services Department from estimates provided by Managers.

Legal Authority or Implications

Local Government Act 2009
Chapter 4 Finances and accountability

Local Government Regulation 2012
Section 170 Adoption and amendment of budget

Policy Implications

N/A

Financial and Resource Implications

Refer to content of report.

Report prepared by:

Fiona Smith – Financial Accountant

Report authorised by:

Kim Olsen – Manager Financial and Administrative Services

Attachments

1. Second Revised Budget Including Financial Sustainability

BURDEKIN SHIRE COUNCIL**Budgeted Statement of Comprehensive Income**

For the periods ending 30 June

	2016/17 Original Budget \$	2016/17 Revised Budget \$	2017/18 \$	2018/19 \$
Revenue				
Rates and utility charges	37,720,525	37,750,045	38,834,926	39,683,825
Less Discounts	(292,000)	(292,000)	(300,000)	(308,000)
Net rates and utility charges	37,428,525	37,458,045	38,534,926	39,375,825
User fees and charges	1,887,075	1,903,775	1,941,850	1,980,683
Operating grants, subsidies and contributions	3,838,965	4,058,116	4,042,571	4,110,207
Interest revenue	1,684,600	1,724,600	1,493,160	1,504,008
Sales of contract and recoverable works	1,697,500	1,825,000	1,734,000	1,768,680
Other Income	136,850	203,959	156,507	159,633
TOTAL OPERATING REVENUES	46,673,515	47,173,495	47,903,014	48,899,036
Expenses				
Employee benefits	(19,748,102)	(19,054,443)	(19,967,835)	(20,481,063)
Materials and services	(14,698,170)	(14,831,135)	(15,123,708)	(15,422,914)
Depreciation and Amortisation	(10,589,400)	(10,448,100)	(10,676,781)	(11,003,390)
Finance Costs	(377,475)	(382,029)	(301,475)	(215,831)
TOTAL OPERATING EXPENSES	(45,413,147)	(44,715,707)	(46,069,799)	(47,123,198)
Operating surplus (deficit)	1,260,368	2,457,788	1,833,215	1,775,838
Capital income and expenditure:				
Cash capital grants, subsidies and contributions	2,432,460	5,407,635	5,187,541	2,014,419
Other capital expenses	-	(3,787,800)	-	-
Net result for the period	3,692,828	4,077,623	7,020,756	3,790,257

BURDEKIN SHIRE COUNCIL**Budgeted Statement of Financial Position**

As at the periods ending 30 June

	2016/17 Original Budget \$	2016/17 Revised Budget \$	2017/18 \$	2018/19 \$
Current Assets				
Cash and deposits	35,878,940	41,893,835	45,467,722	45,280,342
Receivables	3,427,646	3,896,129	3,896,129	3,896,129
Inventories	953,368	677,742	677,742	677,742
	40,259,954	46,467,706	50,041,593	49,854,213
Non-current - Assets classified as held for sale	264,250	-	-	-
	40,524,204	46,467,706	50,041,593	49,854,213
Non-Current Assets				
Receivables	184,449	157,104	157,104	157,104
Property, plant and equipment	494,123,280	481,020,323	482,991,432	485,424,835
Intangible assets	693,875	1,060,204	989,614	915,221
Capital Work in Progress	3,917,326	4,276,727	4,276,727	4,276,727
	498,918,930	486,514,358	488,414,877	490,773,887
TOTAL ASSETS	539,443,134	532,982,064	538,456,470	540,628,100
Current Liabilities				
Trade and other payables	4,120,764	3,931,023	3,982,167	4,040,272
Interest bearing liabilities	1,664,431	1,664,431	1,752,779	1,329,735
Provisions	2,587,685	2,618,000	2,676,905	2,743,827
	8,372,880	8,213,454	8,411,851	8,113,834
Non-Current Liabilities				
Interest bearing liabilities	3,427,551	3,441,214	1,688,435	358,700
Provisions	21,223,060	17,577,733	17,585,765	17,594,890
	24,650,611	21,018,947	19,274,200	17,953,590
TOTAL LIABILITIES	33,023,491	29,232,401	27,686,051	26,067,424
NET COMMUNITY ASSETS	506,419,643	503,749,663	510,770,419	514,560,676
Community Equity				
Asset revaluation reserve	277,958,053	272,810,103	272,810,103	272,810,103
Accumulated surplus/(deficiency)	228,461,590	230,939,560	237,960,316	241,750,573
TOTAL COMMUNITY EQUITY	506,419,643	503,749,663	510,770,419	514,560,676

BURDEKIN SHIRE COUNCIL**Budgeted Statement of Cash Flows**

For the periods ending 30 June

	2016/17 Original Budget \$	2016/17 Revised Budget \$	2017/18 \$	2018/19 \$
Cash Flows from Operating Activities				
Receipts				
Net rates and utility charges	37,428,525	37,458,045	38,534,926	39,375,825
Total fees and charges	1,887,075	1,903,775	1,941,850	1,980,683
Sales of contract and recoverable works	1,697,500	1,825,000	1,734,000	1,768,680
Interest revenue	1,684,600	1,724,600	1,493,160	1,504,008
Contributions and donations	188,673	221,487	228,130	234,971
Government subsidies and grants	3,650,292	3,836,629	3,814,441	3,875,236
Other Income	136,850	203,959	156,507	159,633
	<u>46,673,515</u>	<u>47,173,495</u>	<u>47,903,014</u>	<u>48,899,036</u>
Payments				
Employee benefits	(19,550,334)	(18,838,106)	(19,849,754)	(20,346,911)
Materials and services	(14,698,170)	(14,831,135)	(15,123,708)	(15,422,914)
Finance costs	(377,475)	(382,029)	(301,475)	(215,831)
Land and Development costs	(215,000)	-	-	-
	<u>(34,840,979)</u>	<u>(34,051,270)</u>	<u>(35,274,937)</u>	<u>(35,985,656)</u>
Cash provided by/(used in) operational activities	<u>11,832,536</u>	<u>13,122,225</u>	<u>12,628,077</u>	<u>12,913,380</u>
Cash Flow from Investing Activities:				
Proceeds from sale of capital assets	505,000	566,000	420,000	450,000
Government grants and subsidies	2,432,460	5,407,635	5,187,541	2,014,419
Payments for property, plant and equipment	(12,280,217)	(18,155,083)	(12,897,300)	(13,712,400)
Payments for intangibles	(165,000)	(214,708)	(100,000)	(100,000)
Net cash provided by investing activities	<u>(9,507,757)</u>	<u>(12,396,156)</u>	<u>(7,389,759)</u>	<u>(11,347,981)</u>
Cash Flow from Financing Activities:				
Repayment of borrowings	(1,582,332)	(1,582,778)	(1,664,431)	(1,752,779)
Net cash provided by financing activities	<u>(1,582,332)</u>	<u>(1,582,778)</u>	<u>(1,664,431)</u>	<u>(1,752,779)</u>
Net Increase (Decrease) in Cash Held	<u>742,447</u>	<u>(856,709)</u>	<u>3,573,887</u>	<u>(187,380)</u>
Cash at beginning of reporting period	35,136,493	42,750,544	41,893,835	45,467,722
Cash at end of Reporting Period	<u>35,878,940</u>	<u>41,893,835</u>	<u>45,467,722</u>	<u>45,280,342</u>

BURDEKIN SHIRE COUNCIL**Budgeted Statement of Changes in Equity**

For the periods ending 30 June

	2016/17 Original Budget \$	2016/17 Revised Budget \$	2017/18 \$	2018/19 \$
TOTAL COMMUNITY EQUITY				
Balance at the beginning of period	502,726,815	499,672,040	503,749,663	510,770,419
Increase (decrease) in net result	3,692,828	4,077,623	7,020,756	3,790,257
Balance at the end of period	506,419,643	503,749,663	510,770,419	514,560,676
Retained Surplus/Deficit				
Balance at the beginning of period	224,768,762	226,861,937	230,939,560	237,960,316
Increase (decrease) in net result	3,692,828	4,077,623	7,020,756	3,790,257
Balance at the end of period	228,461,590	230,939,560	237,960,316	241,750,573
Asset Revaluation Surplus				
Balance at the beginning of period	277,958,053	272,810,103	272,810,103	272,810,103
Increase (decrease) in net result	-	-	-	-
Balance at the end of period	277,958,053	272,810,103	272,810,103	272,810,103

BURDEKIN SHIRE COUNCIL

Financial Ratios of the Budget

For the year ended 30 June

	2016/17 Original Budget %	2016/17 Revised Budget %	2017/18 %	2018/19 %
Operating Surplus Ratio				
<u>Net operating surplus</u>				
Total operating revenue	2.7%	5.2%	3.8%	3.6%
The extent to which operating revenue covers operational expenses.				
Target: Between 0% and 10% per annum (on average over the long term)				
Asset sustainability ratio				
<u>Expenditure on Replacement Assets</u>				
Depreciation expense	72.0%	143.4%	104.9%	95.4%
The extent to which the infrastructure assets are being replaced as they reach the end of their useful lives.				
Target: >90% per annum (on average over the long term)				
Net Financial Liabilities Ratio				
<u>Total liabilities-Current Assets</u>				
Operating revenue	-16.1%	-36.5%	-46.7%	-48.6%
Measures the extent to which the net financial liabilities of Council can be serviced by operating revenues.				
Target: <60% per annum (on average over the long term)				
Net rates & utility charges original budget prior year	36,561,090	36,561,090	37,428,525	38,534,926
Net rates & utility charges budgeted for current year	37,428,525	37,458,045	38,534,926	39,375,825
Change rates and utility charges net of discounts	867,435	896,955	1,106,401	840,899
Percentage change	2.4%	2.5%	3.0%	2.2%

5 GOVERNANCE & LOCAL LAWS

5.1 Council Workshops - March 2017

Document Information

Referring Letter No: N/A

File No: 1394

Name of Applicant: N/A

Location: N/A

Author and Title: Terry Brennan - Chief Executive Officer

Executive Summary

During the past month workshops were conducted by Council on 9 and 21 March to discuss various policy and operational issues. Workshops were also held during the month associated with the preparation of the 2017/18 Budget.

A brief summary of the issues discussed at the March workshop is outlined in this report.

Recommendation

That the report on Council workshops held during the month of March 2017 be received and noted.

Background Information

As a result of a review of existing governance arrangements in late 2016 the Council agreed to move to a fortnightly meeting cycle which commenced in February 2017. In conjunction with this change it was also agreed to conduct workshops with councillors on the alternate week to the fortnightly Council meetings.

During the past month workshops were held on 9 and 21 March dealing with various policy and operational issues. Workshops were also conducted for the preparation of the Budget for the 2017/18 financial year.

A brief summary of the issues discussed at the policy/operational workshops is as follows:

9 March 2017

- Delegation of Powers under legislation
- Economic Development update
- Related Party disclosure requirements under Accounting Standards
- Proposed State Electoral Redistribution – seat of McMaster
- Review of Councillor Expense Reimbursement policy
- Review of Enterprise Risk Management policy

21 March 2017

- Pacific Hydro – proposed solar farm
- Review of existing Corporate Plan
- Enterprise Bargaining presentation

Link to Corporate/Operational Plan

5.3.1 Demonstrate open and transparent leadership

Consultation

Consultation undertaken with various parties both internal and external associated with the workshop topics.

Legal Authority or Implications

N/A

Policy Implications

Any policy proposals are subsequently referred to a Council meeting for consideration and adoption.

Financial and Resource Implications

As discussed in the workshop presentations.

Report prepared by:

Terry Brennan - Chief Executive Officer

Report authorised by:

Terry Brennan - Chief Executive Officer

Attachments

Nil

5.2 Interest Free Loan Request - Home Hill Tennis Association Inc

Document Information

Referring Letter No: 1554441

File No: 98

Name of Applicant: Home Hill Tennis Association Inc

Location: 43-55 First Street, Home Hill

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

Executive Summary

The purpose of this report is to seek Council's approval of an Interest Free Loan for the Home Hill Tennis Association Inc.

Recommendation

That Council approve an interest free loan to the Home Hill Tennis Association Inc. of \$60,000 (no GST applicable) repayable over a term of ten (10) years at \$6,000 per annum to upgrade its facilities.

Background Information

The Home Hill Tennis Association wishes to undertake major upgrades to its facilities in two stages. Stage 1, the subject of this application, will encompass upgrading courts 1 to 6 of 12 (court surfaces, fences and lighting) and installation of a digital court booking system. The club was recently successful in gaining funding of \$100,000 from Sport and Recreation Queensland's Get Playing Places and Spaces Program towards the project.

The club wishes to fund its commitment of \$60,000 with an interest free loan from Council. The club plans to repay the \$60,000 loan (GST not applicable) over a ten (10) year period.

Link to Corporate/Operational Plan

Corporate Plan 2016-2021 - 3.4.2 Support sporting organisations in providing opportunities for physical activity.

Consultation

Manager Governance and Local Laws, Mr Dan Mulcahy; Members of Home Hill Tennis Association

Legal Authority or Implications

Nil

Policy Implications

Nil

Financial and Resource Implications

Estimated available funds for allocation at 3 April 2017 total \$475,971.

The ability of the applicant to repay the loan must also be considered. Perusal of Home Hill Tennis Association's financial statements for the last two financial years indicates that the club seems to be in a position to make repayments off the loan at the rate of \$6,000 per annum without additional fundraising efforts.

Report prepared by:

Mrs Janice Horan - Grants and Property Officer

Report authorised by:

Mr Dan Mulcahy - Manager Governance and Local Laws

Attachments

Nil

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

10 PLANNING & DEVELOPMENT

10.1 Development Application - Material Change of Use for Telecommunication Facility at 29466 Bruce Highway, McDesme (Lot 4 on SP120598 Parish of Jarvisfield, County of Gladstone)

Document Information

Referring Letter No: 1532617

File No: 226, CONS16/0023

Name of Applicant: Optus Mobile

Location: 29466 Bruce Highway, McDesme (Lot 4 on SP120598 Parish of Jarvisfield, County of Gladstone)

Author and Title: Shane Great – Manager Planning and Development

Executive Summary

Council has received a Development Application from Daly International on behalf of their client Optus Mobiles Pty Ltd seeking a development permit for a Material Change of Use Telecommunications Facility at 29466 Bruce Highway, McDesme (Lot 4 on SP120598 Parish of Jarvisfield, County of Gladstone)

The proposal is for a defined use and triggers an 'Impact Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (the scheme).

Recommendation

That Council approves the Development Application for a development permit for a Material Change of Use for a Telecommunications Facility at 29466 Bruce Highway, McDesme (Lot 4 on SP120598 Parish of Jarvisfield, County of Gladstone) subject to the following conditions:

Approved Plans

- 1.(a) The proposed development must be completed and maintained generally in accordance with the drawing/documents identified in the Table below, except as otherwise specified by any condition of this approval.

Drawing Title	Drawing/Revision	DATE
Draft Site Layout	B1437-P1, Rev 1	04/07/2016
Draft Site Elevation	B1437-P2, Rev 1	04/07/2016
Draft Property Layout	B1437-P3, Rev 1	04/07/2016

- (b) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail.
- (c) The proposed development must comply with all scheme requirements as applying at the date of this approval, except as otherwise specified by any condition of this approval.
- (d) The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

Rehabilitation

2. If the use is abandoned or ceases operation, the developer must rehabilitate the site by:
- (a) Removing the monopole and all associated infrastructure, and
- (b) Re-instating the site back to its pre-development standard.

Outstanding charges

3. 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.

Notice of Intention to commence the use

4. Prior to the commencement of the use on the site, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.

Damage

5. Any damage which is caused to Council's infrastructure as a result of construction or use of the proposed development must be repaired immediately.

Access

6. The construction of any crossovers to give access to the land is to be the owner's responsibility and must be undertaken to the satisfaction of the Chief Executive Officer.

Public Utility Services

7. 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.

Stormwater

8. 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.

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

Background Information

Burdekin Shire Council acting as the Assessment Manager has received a properly made Development Application for a Material Change of Use to establish Telecommunications Facility at 29466 Bruce Highway, McDesme (Lot 4 on SP120598 Parish of Jarvisfield, County of Gladstone).

The proposal triggers an 'Impact Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (*the scheme*).

The proposed Telecommunications Facility is located on land zoned 'Rural'. The application has been assessed against the relevant sections of the Burdekin Shire Council's IPA Planning Scheme including Council's Strategic Framework, Desired Environmental Outcomes and the 'Rural Zone' Code.

The Application:

The proposal is to install a new Telecommunications Facility located in the southwest corner of the subject site on a leased area of approximately 100m² which will be enclosed by a 2.4m high chain-link fence and gates.

The facility will comprise:

- a new 40m monopole;
- 3 panel antennas (less than 2.8m in length) mounted on top of the pole;
- an equipment shelter; and
- fencing and ancillary infrastructure and connections.

The facility will operate primarily as an unmanned facility and only require maintenance generally 2 to 4 times a year. No car parking or formalized access is proposed.

The applicant has indicated that: *'based on an assessment of network coverage, and feedback from the community, Optus have identified McDesme, and the wider Burdekin community as an area which would benefit significantly from access to mobile communications services.'*

Site Description/Surrounding Land Uses:

The subject site is located in a relatively flat southwest corner of a 7ha lot at the intersection of Giddy and Gillian Road and the Bruce Highway. The subject land is zoned 'Rural' and is currently used for growing sugar cane. The closest 'Residential' zoned land is approximately 2.5 km away at Rossiter's Hill, Ayr. The surrounding area is primarily agricultural with the presence of cane haulage infrastructure including tram lines and a siding in close proximity along Giddy Road. High voltage electricity infrastructure erected along both Giddy and Gillian Roads is another important variable when considering existing amenity. The closest residential property is approximately 240m to the north. An existing light industrial (Ayr Boring Company) business is also in close proximity located approximately 140m away on Giddy Road.

The Use

The proposed use is described as a '*Telecommunications Facility*' as defined in the scheme:

Telecommunications Facility

"Means the use of premises for the purpose of any telecommunications activity other than that defined as a low impact facility under the Commonwealth Telecommunications Act 1997".

It is relevant to note that the scheme requires impact assessment of a telecommunications facility in all zones (rural, residential, retail and commercial, village, public purpose and open space and recreation) except industry within the Burdekin Shire for this use. However, overall Council's current scheme has limited specific content with regard to a telecommunications facility.

Given the nature of a telecommunications facility as a public use/public utility, similar to the provision of infrastructure such as electricity substations, power lines, pump stations and other matters that provide infrastructure type services, this by itself is not unusual.

The impact assessment level does not however infer any particular support or lack thereof for the application noting that limited development within Queensland is prohibited, merely that Council's role in assessing the matter must have specific regard to the provisions of the *Sustainable Planning Act 2009* (the "SPA") when undertaking this assessment. Most particularly, the entirety of Council's scheme is to be applicable, not just specific codes.

Planning Scheme Assessment

The subject land is zoned 'Rural', with the proposal triggering an 'Impact Assessable' development application. The application has been assessed against the relevant provisions of the Burdekin Shire Council's IPA Planning Scheme (*the scheme*) and as identified above triggers impact assessment under Table 4 – Assessment Categories for the Rural Zone – Making a Material Change of Use.

In assessing the application, consideration has been given to all relevant components of the scheme including the Desired Environmental Outcomes (DEO's), Specific Outcomes in the 'Rural Zone Code'.

No overlays in the scheme are specifically relevant to the proposal. The Applicant has provided supporting material by way of a planning report submitting how the Applicant believes the proposal will comply with the relevant components of the scheme and includes information addressing important planning matters such as design specifications, site characteristics, visual amenity, and public safety.

Given the nature of the proposal, general compliance with the relevant components of the scheme can be achieved and are summarised as follows:

Desired Environmental Outcomes

The proposal does not compromise the DEO's of the scheme having regard to each in balance. In particular:

- Economic Development - the proposal will provide opportunities for advances in communication services to the community which will facilitate economic opportunities of the rural economic base. The proposal is located adjacent to agricultural land but will not compromise its use due to the small size of the proposed development.
- Biodiversity Conservation Values – the proposal does not have any adverse impact on the outcomes sought by this DEO as it will be located in a previously disturbed location and not within any coastal area, flood plain or wetlands. Due to the size of the proposal there will be limited impact on local flood risk or stormwater flow.
- Urban Development and Infrastructure – the proposal will provide:
 - an improved communications network for the area supporting the adequate and sufficient servicing of the community with necessary development and community infrastructure;
 - While the structures design is limited as an item of infrastructure, the applicant has attempted to locate it away from residential properties;
- Community Well Being – the development of the proposed facility is in response to the applicants need to improve their telecommunication services in the catchment area.

Rural Zone code

The proposed development has been assessed against the Rural Zone code and is generally compliant with the overall outcomes of the Code. Specific outcomes and acceptable solutions for the Rural Zone Code have been considered however it must firstly be noted that as the

proposal relates to telecommunications infrastructure, some of the specific outcomes within the Rural Zone are not applicable.

The performance criteria that are the most specific to the proposed development are Site Suitability, Land Use Suitability, Visual Amenity and Building Design. The steps taken to reduce these impacts are:

- the use of the shortest possible tower to gain the required coverage; and
- the use of a monopole as opposed to a lattice structure for the tower (which reduces the visual bulk of the proposed tower);
- located away from sensitive land uses, does not require a water supply and has appropriate vehicle access.

It is not considered that the application is in substantial conflict with any planning scheme Desired Environmental Outcome (DEO's) or Specific Outcomes of the Rural Zone Code that would warrant refusal or that could not be justified by reasonable planning grounds.

Commonwealth Planning controls:

Optus as a licenced telecommunications carrier must operate under the provisions of the "Telecommunications Act 1997" and its supporting legislation.

These include the;

- Telecommunications Code of Practice 1997 – The applicant considers that the proposed facility setbacks from existing dwellings, size of proposed tower and site location are compliant with industry standards and minimise adverse impacts on the surrounding environment.
- Mobile Phone Base Station Deployment Code – All licensed telecommunication carriers must abide with the provisions of the code. Sections of this code relevant to new sites require the completion of a precautionary approach checklist for site selection, design and operation. It is also a requirement that an electromagnetic energy (EME) report be prepared for all new sites. The results of this report show that the EME levels for the proposed facility is 0.36% of the public exposure limit.
- The Environmental protection and Biodiversity Conversation (EPBC) Act 1990 obligates telecommunication carriers to consider matters of national environmental significance under this Act. There were no matters for consideration under the EPBC Act when a search was carried out.

Comment of Submissions:

The Development Application required public notification.

The application was advertised in the Advocate on Friday the 3 February, 2017 and at the closing date for submissions on 27 February, 2017 six properly made submissions were received.

All submissions raised similar key issues with the main concerns focusing on:

- Negative impacts on visual amenity;
- Property values;
- Siting and proximity to existing and future land uses and;
- Health and public safety concerns

The following comments relate to each individual issue raised.

Negative impacts on visual amenity

Concerns were raised in relation to the negative impact on visual amenity.

Response:

Given the rural aspect, existing road/rail infrastructure and the current physical separation distances to existing residential land uses in the locality, it is not considered that the proposal will adversely impact on existing visual amenity and scenic values.

Property Values

Concerns were raised that property values would be detrimentally impacted upon.

Response:

Property values are important to property owners. It is a well-established judicial position that potential impact of land value attributable to the advent of a development is not a potential planning issue, which means this objection is not a relevant planning ground for refusal of the application, nor a ground upon which an Appeal to the Court can be raised.

Siting and proximity to existing and future land uses

Concerns raised by the submitters focused on:

1. *the proposed site location for the 'Telecommunication Facility' not being appropriate and;*
2. *the increased risk of exposure for sugar industry workers and employees of the light industrial use in close proximity.*

Response:

The applicant has indicated that new telecommunication facilities do not generally increase the visual amenity of an area, however; Optus have stated that they select sites that minimise any impact on visual amenity. This particular location was selected to maximise separation of existing residential land uses. The closest house to the facility is approximately 240m to the northwest of the proposed site. The proposed site also is in close proximity to a rail siding, the Bruce Highway, existing high voltage electricity infrastructure, an existing small business (Ayr Boring Company) and intensive agriculture land uses.

The site has also been selected to ensure the current and future sustainability of the Radio Frequency (RF) capability of the development is achieved.

The potential for future residential development is very limited due to the existing rural zoning and the inability to subdivide such zoned lands. Also, Council has not identified this area in its strategic planning initiatives as a future residential expansion area.

In considering both the applicants statement of reasons and the submitter's concerns it is considered that the siting will not detract substantially from existing scenic values that would support a recommendation to refuse the application.

Health and Public Safety concerns

The submissions maintain that the effect of exposure to EME is subject to debate and searches show that concerns about EME levels are not new, nor unfounded.

Response:

Burdekin Shire Council acknowledges the concerns of local residents and treats public health and safety issues with the utmost importance. Given the lack of guidance material and operation standards adopted at the local government level, Council relies upon Federal Government legislation to assess compliance.

While submissions made reference to previous applications and materials regarding radio frequency electromagnetic energy (RF EME), in Australia, the Commonwealth Government directly legislates for the creation and control of telecommunications facilities within the *Telecommunications Act 1997* and its supporting legislation. These include the:

- *Telecommunications Code of Practice 1997; and*
- *Mobile Phone Base Station Deployment Code*

It is also a requirement that an electromagnetic energy (EME) report be prepared for all new sites. The application submitted to Council for assessment included an EME report as part of the supporting material lodged. This report shows that the maximum level calculated for the proposed system is below 1% of the current accepted standards for exposure limits. The applicant has a statutory obligation to comply with the current standards set by the Australian Government.

In this instance the proposed facility will operate at levels many times below the Australian standard. The EME levels predicted to be produced by this site represent 0.36% of the Australian standard – 280 times lower than the maximum safe levels mandated by the federal government.

The Council considers that the current standards imposed by the Commonwealth Government within this legislative regime should be respected; particularly noting Council has no specific alternative policy for Telecommunication Facility uses.

Conclusion:

The proposed telecommunications facility, comprising a 40m high tower with attached antennas and an outdoor equipment shed is to be sited in a location deemed to be a sufficient distance away from any incompatible land uses whilst ensuring adequate coverage is achieved.

In this regard the proposal satisfies the requirements of the *Telecommunications Act 1997*, whilst also addressing coverage deficiencies within the local area.

Telecommunication Facilities such as that proposed are becoming a more ordinary part of any urban landscape and similar to power-lines and power-poles.

It is important to the ongoing economic development of the Shire that our community has access to modern facilities that allows for expansion of the mobile communication network. Telecommunication facilities erected at the McDesme site are paramount if network coverage is to improve. After assessment of network coverage, the applicant has indicated that the wider Burdekin community would benefit significantly from access to improved mobile communications services.

The planning and EME reports prepared by the applicants' consultants and lodged as parts of the application show that there will be very limited environmental and health impacts associated with the project and that compliance with the relevant requirements of the *Telecommunications Act 1997* can be achieved.

The proposal is designed and located as best suits the needs of the facility and to mitigate as far as reasonable the visibility of the tower from nearby residents. Remaining impacts are considered on balance to be reasonable for the area and need for that facility.

Council's Development Assessment Team members have assessed the application and in accordance with Section 345 of the Sustainable Planning Act (SPA), have included reasonable and relevant conditions as part of the recommended approval.

Recommendations including conditions have been based on the overall impact the proposed use may have considering the schemes DEO's, Zone Codes and State Interests. Careful consideration of all concerns raised in the submissions was also an important part of the overall assessment.

Council's Development Assessment Team members are confident that the intended use will not unreasonably impact on existing amenity and scenic values. It is therefore recommended that Council approve the application subject to the abovementioned conditions.

Link to Corporate/Operational Plan

N/A

Consultation

Given that the Development Application was triggered as 'Impact Assessable', public notification was required. The application was advertised in the Advocate on Friday the 3 February, 2017 and at the closing date for submissions on 27 February, 2017 six properly made submissions were received.

All relative Council Departments have been consulted. In accordance with the Sustainable Planning Act 2009, the application was referred to NQSARA with the Department of Transport and Main Roads the technical agency. Comments and/or conditions will be included as part of any Decision Notice issued.

Legal Authority or Implications

Given the nature of the application and the extent of submissions, a potential risk is present in that any decision made by the Assessment Manager may attract an appeal in the Planning and Environment Court.

Policy Implications

N/A

Financial and Resource Implications

Possible legal fees associated with any Planning and Environment Court appeal.

Report prepared by:

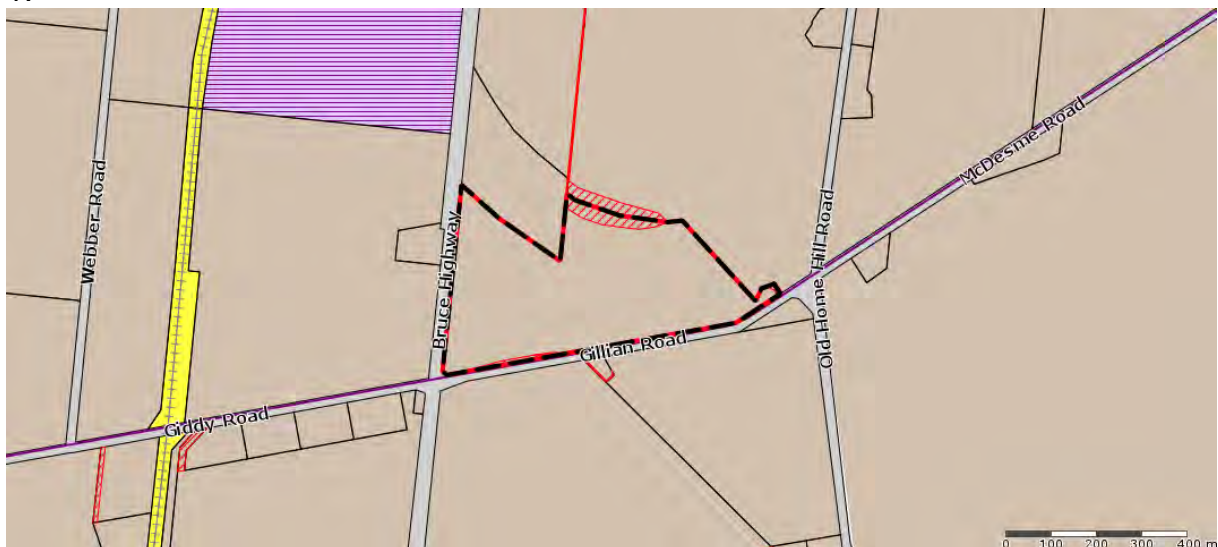
S Great – Manager Planning and Development

Report authorised by:

S Great – Manager Planning and Development

Attachments

1.



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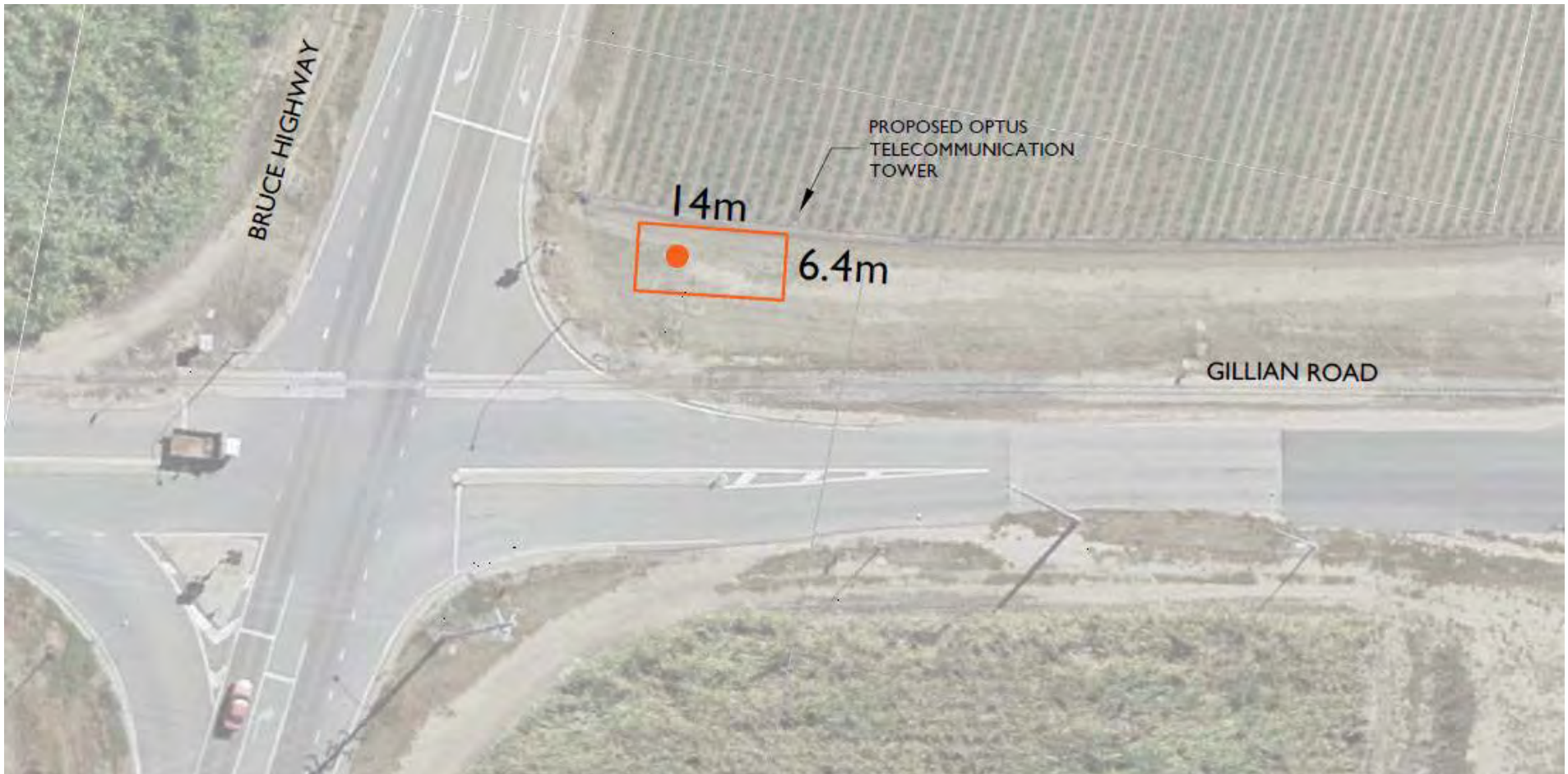
Council Chambers,
145 Young Street, Ayr,
Qld, 4807



Rural	Residential Low Density Sub Area	Industry Investigation Sub Area
Rural Nature Based Recreation Sub Area	Retail and Commercial	Public Purpose
Rural Settlement Sub Area	Industrial	Village
Residential	Extractive Industry Sub Area	Open Space & Recreation

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From Bruce Highway intersection back up Gillian Road. Proposed site on the left.



From Bruce Highway intersection back up Giddy Road



11 COMMUNITY DEVELOPMENT

12 ECONOMIC DEVELOPMENT

13 NOTICES OF MOTION

14 CORRESPONDENCE FOR INFORMATION

Tabled Separately

15 GENERAL BUSINESS

16 CLOSED MEETING ITEMS

- Acceptance of Tenders – Home Hill Caravan Park and Home Hill Swimming Pools

17 DELEGATIONS

