



# Burdekin Shire Council

## **AGENDA**

### **ORDINARY COUNCIL MEETING**

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

**on 12 May 2020**

**COMMENCING AT 9:00AM**

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# Burdekin Shire Council

TUESDAY 12 MAY 2020

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## **1 PRAYER**

## **2 DECLARATIONS OF INTEREST**

## **3 MINUTES AND BUSINESS ARISING**

### **3.1 Ordinary Council Meeting Minutes - 28 April 2020**

#### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 28 April 2020 be received as true and correct record.





# Burdekin Shire Council

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 28 April 2020**

**COMMENCING AT 9:00AM**



# Burdekin Shire Council

TUESDAY 28 APRIL 2020

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## **ATTENDANCE**

Councillors L.A. McLaughlin (Mayor), S.P. Perry (Deputy Mayor), K.D. Boccalatte, J.T. Bonanno, M.J. Detenon, J.A.G. Furnell and M. Musumeci

Mr. T. Brennan - Chief Executive Officer  
Mr. N. O'Connor – Director Corporate and Community Services  
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services  
Mr. D. Mulcahy - Manager Environmental & Health Services (Part)  
Mr. S. Great - Manager Planning and Development (Part)

Minutes Clerk – Ms. G. Biffanti

## **1 PRAYER**

The meeting prayer was delivered by Pastor Gavin Henderson of the Presbyterian Church.

## **2 DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

Councillor Furnell declared a Perceived Conflict of Interest in relation to Item 11.1 - Confidential Report – Request to Annualise Contract Payments – Ayr Swimming Pool, as he is a co-owner of Burdekin Swim School. Councillor Furnell advised of this intention to leave the meeting during this discussion.

## **3 MINUTES AND BUSINESS ARISING**

### **3.1 Post-Election Meeting Minutes - 14 April 2020**

#### **Recommendation**

That the minutes of the Post-Election Meeting held on 14 April 2020 be received as a true and correct record.

#### **Resolution**

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

CARRIED

### **3.2 Ordinary Council Meeting Minutes - 10 March 2020**

#### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 10 March 2020 be received as a true and correct record.

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**Resolution**

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

CARRIED

**3.3 Burdekin Cultural Advisory Group Meeting Minutes - 10 February 2020****Recommendation**

That the minutes of the Burdekin Cultural Advisory Group Meeting held on 10 February 2020 be received and adopted.

**Resolution**

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

Noting the following amendments:

Item 6 – Memorial Hall Facade

1. Discussions were held on the upgrade of the Burdekin Memorial Hall, this included the upgrade to the entrance lighting and repairs to the window alcove to prevent pigeons nesting above the entrances at the Memorial Hall and Home Hill Library.
2. The general feeling was that the addition of the two new LED lights (which change colour constantly or can be set to a certain colour depending on the colour theme of the event held) was an excellent addition.

Item 7, point (iv), that the upgrade of the Burdekin Memorial Hall entrance be listed for possible budget consideration.

CARRIED

**3.4 Local Disaster Management Group Meeting Minutes - 21 February 2020**

During the meeting it was confirmed that the Local Disaster Management Group Meeting Minutes held on 21 February 2020 had been received and adopted at the Ordinary Council Meeting held on 10 March 2020, as such this item was removed from the agenda.

**3.5 Burdekin Shire Road Safety Advisory Committee Meeting Minutes - 27 February 2020****Recommendation**

That the minutes of the Burdekin Shire Road Safety Advisory Committee Meeting held on 27 February 2020 be received and adopted.

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### **Resolution**

Moved Councillor Perry, seconded Councillor Boccalatte that the recommendation be adopted, noting that in Item 6.1 the Home Hill Visitor Information Centre should be referred to as the Burdekin Gateway Visitor Information Centre in Home Hill.

CARRIED

*9.25am Mr. Mulcahy entered the meeting.*

### **3.6 Local Disaster Management Group Meeting Minutes - 13 March 2020**

#### **Recommendation**

That the minutes of the Local Disaster Management Group Meeting held on 13 March 2020 be received as true and correct record.

#### **Resolution**

Moved Councillor Boccalatte, seconded Councillor Furnell that the recommendation be adopted.

CARRIED

### **3.7 Burdekin Shire Youth Council Meeting Minutes - 16 March 2020**

#### **Recommendation**

That the minutes of the Burdekin Shire Youth Council Meeting held on 16 March 2020 be received and adopted.

#### **Resolution**

Moved Councillor Furnell, seconded Councillor Boccalatte that the recommendation be adopted.

CARRIED

*9.40am Mr. Great entered the meeting.*

### **3.8 Local Disaster Management Group Meeting Minutes - 20 March 2020**

#### **Recommendation**

That the minutes of the Local Disaster Management Group Meeting held on 20 March 2020 be received as a true and correct record.

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## **Resolution**

Moved Councillor Detenon, seconded Councillor Boccalatte that the recommendation be adopted.

CARRIED

## **4 EXECUTIVE**

### **4.1 CEO**

#### **4.1.1 Council Workshop - March 2020**

##### **Executive Summary**

The Council conducted a workshop on 5 March 2020 with a range of policy and operational issues discussed. This was the final workshop conducted during the previous term of council.

A brief summary of the items discussed at the workshop is contained in the report.

##### **Recommendation**

That the report on the Council workshop held on 5 March 2020 be received and noted.

##### **Resolution**

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

CARRIED

#### **4.1.2 Election of Local Government Association of Queensland Policy Executive District Representatives**

##### **Executive Summary**

The Chief Executive Officer of the Local Government Association of Queensland (LGAQ) has recently written to all councils inviting nominations for the election of District Representatives to the LGAQ Policy Executive for the period 2020 to 2024.

Burdekin Shire is located within Electoral District No. 9 – Northern under the LGAQ's constitution which also includes the Local Governments of Charters Towers, Hinchinbrook and Townsville. One representative is entitled to be elected from this District.

Nominations close on Friday, 1 May 2020.

##### **Recommendation**

That Council note the report from the Chief Executive Officer and determine if it wishes to nominate a representative for election as the District No. 9 – Northern representative on the LGAQ Policy Executive.

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**Resolution**

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

CARRIED

**4.2 ECONOMIC DEVELOPMENT****5 CORPORATE AND COMMUNITY SERVICES****5.1 CLIENT SERVICES****5.2 COMMUNITY DEVELOPMENT****5.3 FINANCIAL AND ADMINISTRATIVE SERVICES****5.3.1 Monthly Financial Report for Period Ending - 31 March 2020****Recommendation**

That the Monthly Financial Report for Period Ending 31 March 2020 be received.

**Resolution**

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

CARRIED

**5.4 GOVERNANCE****6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES****6.1 ENVIRONMENTAL AND HEALTH SERVICES**



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### **6.1.1 Coronavirus (COVID-19) Response - Waiving of Various Environmental and Health Licence Fees for 2020/21**

#### **Executive Summary**

As a result of the declared coronavirus pandemic the Queensland Chief Health Officer has issued a number of public health directions, some of which negatively impact on the ability of certain businesses to operate under normal circumstances. In addition to the Federal support measures currently offered, it is recommended that Council provide additional support measures where it can, this being in the area of regulatory licence fees issued by Council.

#### **Recommendation**

That in recognition of the declared coronavirus pandemic and the resulting public health directions issued by the Queensland Chief Health Officer and their subsequent detrimental impacts on the operation of certain business operations in the Shire, Council agrees to waive the licence fees applicable to the 2020/21 financial year for the following licence types:

- Food Business, including Annual Temporary Food Licences
- Personal Appearance Services
- Operation of Rental Accommodation, Camping Grounds and Caravan Parks
- Commercial Use of Local Government Controlled Areas or Roads
- Installation of Advertising Devices

Noting that the income would normally be received in the 2019/20 financial year.

#### **Resolution**

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

CARRIED

### **6.1.2 Closure of Council Areas to Camping**

#### **Executive Summary**

The closure of Council sites for camping including Funny Dunny Park, Home Hill Comfort Stop and at various boat ramps is part of the response to the current influenza pandemic, caused by the Coronavirus (COVID-19). A formal resolution is required from Council to support the closure and to allow enforcement activities if required.

#### **Recommendation**

That Council resolves in accordance with *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012* to temporarily close the following local government controlled areas to public access for camping purposes for a period of not more than six months, in response to recommendations from the State and Federal Governments to reduce the impacts of coronavirus:

- Funny Dunny Park, Wunjunga
- Mount Inkerman Scenic Lookout, Inkerman
- Comfort Stop, Home Hill
- Barramundi (Morris) Creek Boat Ramp, Morris Creek Road, Giru
- Wallace Landing Boat Ramp, Peak Road, Inkerman
- Cromarty Boat Ramp, Cromarty Creek Boat Ramp Road, Giru

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- Plantation Creek Boat Ramp, 652 Old Wharf Road, Airdmillan
  - Groper Creek Boat Ramp, Groper Creek
  - Barratta Boat Ramp, Jerona
  - Ocean Creek Boat Ramp, Ocean Creek
  - Hell Hole Boat Ramp, Rita Island

### **Resolution**

Moved Councillor Perry, seconded Councillor Detenon that the recommendation be adopted, noting the inclusion of item one;

That Council:

1. Confirms the action of Council staff in implementing the closure of the below mentioned local government controlled areas for camping purposes as per closure directions issued by the Queensland Chief Health Officer; and
2. Resolves in accordance with Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012 to temporarily close the following local government controlled areas to public access for camping purposes for a period of not more than six months, in response to recommendations from the State and Federal Governments to reduce the impacts of coronavirus:
  - Funny Dunny Park, Wunjunga
  - Mount Inkerman Scenic Lookout, Inkerman
  - Comfort Stop, Home Hill
  - Barramundi (Morris) Creek Boat Ramp, Morris Creek Road, Giru
  - Wallace Landing Boat Ramp, Peak Road, Inkerman
  - Cromarty Boat Ramp, Cromarty Creek Boat Ramp Road, Giru
  - Plantation Creek Boat Ramp, 652 Old Wharf Road, Airdmillan
  - Groper Creek Boat Ramp, Groper Creek
  - Barratta Boat Ramp, Jerona
  - Ocean Creek Boat Ramp, Ocean Creek
  - Hell Hole Boat Ramp, Rita Island

CARRIED

*10.06am Mr. Mulcahy left the meeting.*

## **6.2 OPERATIONS**

## **6.3 PLANNING AND DEVELOPMENT**

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### **6.3.1 Development Application - Material Change of use for Extension to an Education Establishment at 93-99 Edwards Street and 89 and 91 Burke Street, Ayr (Lot 4 on SP308555, Lot 1 on SP129539 and Lots 4 and 5 on RP709444)**

#### **Executive Summary**

An application has been received from i4 Architecture and Milford Planning, on behalf of their clients Roman Catholic Trust Corporation in the Diocese of Townsville seeking approval for a Material Change of Use for Extension to an Education Establishment at 93-99 Edwards Street and 89 and 91 Burke Street, Ayr (Lot 4 on SP308555, Lot 1 on SP129539 and Lots 4 & 5 on RP709444).

A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire Council's *Integrated Planning Act* (IPA) Planning Scheme (*the scheme*).

#### **Recommendation**

That Council approves the Development Application for a Material Change of Use for an Extension to an Educational Establishment at 93-99 Edwards Street and 89 and 91 Burke Street, Ayr (Lot 4 on SP308555, Lot 1 on SP129539 and Lots 4 & 5 on RP709444) subject to the following conditions:

#### **Approved Plans**

- 1.(a) 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 applications supporting material including all drawings/documents identified in the Table below, except as otherwise specified by any condition of this approval.

<b>Drawing Title</b>	<b>Drawing/Revision</b>	<b>DATE</b>
Cover Page	1490 SK 001 Rev 2	November, 2019
Existing/Demolition Site Plan	1490 SK 101 Rev 2	November, 2019
Proposed Site Plan	1490 SK 102 Rev 2	November, 2019
Proposed Floor Plan	1490 SK 200 Rev 2	November, 2019
Proposed Roof Plan	1490 SK 600 Rev 2	November, 2019
Proposed Elevations	1490 SK 700 Rev 2	November, 2019
Street View and Perspectives	1490 SK 1000 Rev 2	November, 2019
Carpark Entrance Traffic Management Plan by Fortisem	19341 SK02 Rev B	12/02/2020

- (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.

#### **Outstanding Charges**

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.

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### **Notice of Intention to Commence the Use**

3. 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.

### **Sewerage**

4. All structures are to be built in accordance with Council's "Erection of Structures Over or Adjacent to Sewers or Water Mains Policy". and associated Technical Guidelines

### **Stormwater**

- 5.1 Stormwater drainage from any new paved/sealed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.
- 5.2 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.
- 5.3 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

### **Damage**

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

### **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.

### **Construction Management Plan**

8. A Construction Management Plan must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development permit for Building work. The Construction Management Plan must address all activities/operations associated with construction including, but not limited to:
  - a) Hours of construction;
  - b) Parking of vehicles (including on site employees and delivery vehicles);
  - c) Vehicle access during construction hours;
  - d) Traffic management (including loading and unloading) prepared in accordance with the Manual for uniform traffic Control Devices;
  - e) Building waste storage and disposal;
  - f) On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area; and

The endorsed Construction Management Plan must be complied with and a copy kept on site at all times during construction of the development.

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## **Access and Car parking**

### **9.1 For access onto Burke Street:**

- a) A grated trench drain is to be installed at the property boundary to catch stormwater before crossing the footpath. The stormwater is to be conveyed to the kerb, under the footpath, in suitable sized conduits as approved by Council.
- b) All driveways crossing the footpath are to be constructed from the invert of the gutter to the proposed trench drain. Minimum thickness 150mm, 32MPa concrete and SL72 mesh placed centrally.

### **9.2 Provide to Council prior to the commencement of works, a cross section 1:50 scale of all driveways, showing existing and design levels for the crossovers.**

### **9.3 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.**

### **9.4 Carpark entrance and exit general layout to be as per 'Fortisem' drawing number 19341-SK02 B - Carpark Entrance Traffic Management Plan.**

### **9.5 Provide to Council prior to commencement of works, a fully detailed plan of the carpark entrance and exit, showing proposed widths and design levels of medians, lanes and footpath.**

### **9.6 Access to the premises, car parking and manoeuvring areas must be constructed in an all-weather low glare paving, exposed aggregate concrete or similar dust suppressant material to the satisfaction of the Chief Executive Officer.**

### **9.7 Parking space and layout must be designed in accordance with the provisions contained in the supporting material included in the plans submitted with the application by 'i4architecture'.**

## **Operational Works**

### **10. Where operational works are required to be carried out, the developer must, within the timeframe required by the *Planning Act 2016* and prior to the commencement of any work, lodge with council an application for a development permit for operational works. As part of such an 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;

## **As-Constructed Plans**

### **11. The developer shall provide Council with a complete set of as-constructed plans and an electronic copy which is to be compatible to Council's system at the relevant time, for all works. Such plans are to be certified by an Registered Professional Engineer of Queensland (R.P.E.Q.)**

## **Amenity – Screen Fencing**

### **12. A fence must be provided along all adjoining property boundaries. The type and design must be submitted and approved by the Chief Executive Officer prior to construction of the fence.**

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### Landscaping and Screening

13. 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; air conditioners, irrigation pumps and water tanks;
  - location of public infrastructure.

### Environment and Health

- 14.1 No emission is to cause or be likely to cause an environmental nuisance for any activities, including educational activities, beyond the boundaries of the premises to which this development permit relates.
- 14.2 Upon receipt of a complaint regarding any emissions, the operator must within a reasonable period of time:
- a. take any actions necessary to resolve the complaint, and
  - b. implement abatement measures to minimise the emissions from the site.

### **Advice: (Note: These are not conditions)**

- **Earthworks**

*If the development of the subject property requires soil to be imported or exported, the developer must identify the allotments which would be used for borrowing or filling and must obtain Council approval for such works in addition to engineering approval for the development. In this regard, the developer must obtain Council approval for the route of transport, the period and time of transport during the construction phase of the development.*

- **Environmental Considerations**

*E.P.A. Requirements*

*Construction must comply with the Environmental Protection Act, Policies and Guidelines to prevent or minimise either environmental harm or nuisance.*

- *A development permit for Building Works is to be obtained before any building works are carried out on the premise.*
- *Waste and recycling services must be provided in accordance with Council's Waste Management Policy.*

### Resolution

Moved Councillor Furnell, seconded Councillor Musumeci that the recommendation be adopted with the following amendments to Item 12:

1. Item 12.1 - The existing fence along the side boundary of Lot 4 RP709444 abutting the proposal must either be replaced or renewed with a 1800mm solid screen fence. The design must be submitted to and approved by the Chief Executive Officer prior to the construction of the fence.

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2. Item 12.2 - All existing fencing along adjoining property boundaries must be maintained to the satisfaction of the Chief Executive Officer.

CARRIED

### **6.3.2 Development Application - Material Change of use for General Industry at 70 Klondyke Road, Ayr (Lot 7 on SP251206)**

#### **Executive Summary**

An application has been received from Mr. Ben Moran seeking approval for a Material Change of Use for General Industry (Fabrication Business) at 70 Klondyke Road, Ayr (Lot 7 on SP251206). A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire *Integrated Planning Act* (IPA) Planning Scheme.

#### **Recommendation**

That Council approves the Development Application for a Material Change of Use for General Industry (Fabrication Business) at 70 Klondyke Road, Ayr (Lot 7 on SP251206) subject to the following conditions:

#### **General**

- 1.1 A Site Based Management Plan (SBMP) shall be developed, implemented, and complied with, which deals with controls on:

- External lighting;
- Noise emissions;
- Dust emissions; and
- Odour emissions.

The SBMP will need to be submitted and approved by the Chief Executive Officer prior to commencement of any lawful use is to be carried out on the subject land.

- 1.2 An Environmental Management Plan (EMP) shall be developed, implemented and complied with, which deals with controls on:

- Liquid and solid waste;
- Chemical storage and disposal;
- The emission of odours from spray-painting; and
- Maintenance of water quality in terms of ground water, surface water and stormwater runoff.

The EMP will need to be submitted and approved by the Chief Executive Officer prior to commencement of any lawful use is to be carried out on the subject land.

- 1.3 The activities associated with the use may operate only between the hours of 7.00am to 5.00pm Monday to Friday and 9.00am to 1.00pm Saturday. There must be no operation on Sundays or public holidays.
- 1.4 The maximum number of employees allowed onsite during these hours of operation is five.
- 1.5 All deliveries associated with the operation of the business must occur during these hours.
- 1.6 The use of the development must not cause an unreasonable nuisance to the surrounding area.



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- 1.7 The operator of the Fabrication Business must keep a Complaints Register on the land at all times, for the inspection of an authorised office of the Council identifying:
    - The time, date and detail of any complaint made to the operator relating to the use of the workshop; and
    - Any action or response taken by the operator to rectify or reasonably deal with the complaint.
  - 1.8 A landscaping plan shall be submitted and approved by the Chief Executive Officer. This plan must be prepared by a suitably experienced person detailing the following;
    - the location of existing and proposed plantings;
    - proposed fencing and screens, including rubbish bin locations;
    - describe on-going maintenance tasks to be implemented for landscaped and turfed areas.

#### **Approved Plans**

- 2.1 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 applications supporting material, except where modified by the conditions of this Development Permit and any approval issued there under.
- 2.2 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.
- 2.3 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**

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

#### **Outstanding charges**

4. 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**

5. 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**

- 6.1 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.
- 6.2 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.



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### **Building Work**

7. A development permit for Building Works and final certificate or certificate of classification is to be obtained. 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).

### **Access and Parking**

- 8.1 The construction of any new crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.
- 8.2 Parking space and layout must be designed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards of the Planning Scheme.
- 8.3 Access to the premises, car parking and manoeuvring areas must be constructed in an all-weather low glare paving, exposed aggregate concrete or suitable dust suppressant material to the satisfaction of the Chief Executive Officer.

### **Drainage**

- 9.1 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.
- 9.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

### **Operational Works**

10. Where operational works are required to be carried out, the developer must, within the timeframe required by the *Planning Act 2016* and prior to the commencement of any work, lodge with council an application for a development permit for operational works. As part of such an application, the developer must submit:
  - 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
  - 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;

### **Environment and Health**

- 11.1 No release of contaminants, including, but not limited to dust, fumes, odour or aerosols or emission of noise is to cause or be likely to cause an environmental nuisance beyond the boundaries of the premises to which this development permit relates.
- 11.2 Upon receipt of a complaint regarding the emission of dust, light, odour or other air or noise emission, the operator must within a reasonable period of time:
  - take any actions necessary to resolve the complaint, and
  - implement abatement measures to minimise the emissions from the site.

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- 11.3 Where a complaint is made about noise from the activity, that is considered reasonable by an authorised officer and cannot be resolved by the operator of the activity subject of this approval, the emission of noise from the development must not result in levels greater than those specified in Table 1 until the circumstances which gave rise to the complaint are resolved.

Table 1: Noise Limits (dBA)

NOISE LIMITS MEASURED AT THE FACADE OF THE NEAREST NOISE SENSITIVE PLACE		
Period	Measured as $L_{Aeq}$	Measured as $maxL_{pA}$
7.00am – 6.00pm	55	60
6.00pm – 10.00pm	50	55
10.00pm – 7.00am	45	50

- 11.4 All spillage of waste, oils, chemicals or similar materials shall be cleaned up as soon as practical. Such spillage shall not be cleaned up by hosing, sweeping or otherwise releasing such wastes or contaminants to the land, stormwater or any roadside.
- 11.5 A spill kit must be maintained on site for use on spillages of any materials stored on site and be readily accessible at all times.
- 11.6 Chemicals must be stored in a bunded area undercover or other location whereby any spillage will not discharge to the ground or any area subject to stormwater or stormwater runoff.
- 11.7 Oils, fuels, other liquids must be stored in a bunded area undercover or other location whereby any spillage will not discharge to the ground or any area subject to stormwater or stormwater runoff. Any bunding provided shall be constructed and sized in accordance with AS 1940 - The storage and handling of flammable and combustible liquids.
- 11.8 All fabrication is to be conducted in a dedicated workshop area.
- 11.9 All wash-down waters from the washing of vehicles, trailers, plant or equipment must be contained and collected and disposed of to an approved facility. Wash-down waters must not be discharged to stormwater or on land subject to stormwater runoff.
- 11.10 All solid wastes or other materials likely to produce contaminants shall be stored in bins with lids in a place to prevent the ingress of stormwater.
- 11.11 There shall be no release of litter or contaminants from the site to any roadside, drain or waters.
- 11.12 Lighting used to illuminate any areas of the premises shall be angled or shaded in such a way that lighting does not directly illuminate any nearby premises or roadways in such a manner as to constitute an environmental nuisance.
- 11.13 Spray painting is not permitted to be conducted at the site other than for minor touch-ups.
- 11.14 Abrasive blasting is to be conducted within a fully enclosed chamber, vented to the atmosphere through an effective dust extraction system and designed to enable frequent or continuous recovery of spent abrasives.

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**ADVICE (Note: These are not conditions).**

- *General waste and recycling services must comply with Council's Waste Management Policy.*
- *Pursuant to the Environmental Protection Act 1994, all development involving the emission of noise and dust from building and/or construction activities must ensure that the emissions are in accordance the Environmental Protection (Noise) Policy 2008 and the Environmental Protection (Air) Policy 2008.*
- *Regulated wastes are to be removed for disposal by a licenced waste transporter.*
- *The property is unable to be connected to Council's Water Supply or Sewerage Infrastructure.*
- *There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, or stormwater drain.*
- *Any fixed noise emitting device (eg air conditioning unit, refrigeration unit, compressor, generator etc) located outside the workshop/facility must be placed within an appropriate acoustic enclosure. (use appropriate source noise where applicable)*

**Resolution**

Moved Councillor Detenon, seconded Councillor Musumeci that the recommendation be adopted.

CARRIED

*10.26am Meeting adjourned for morning tea.*

*11.00am Meeting recommenced.*

*11.00am Mr. Mulchay returned to the meeting.*

**6.3.3 Development Application - Preliminary Approval for Material Change of Use (Variation Request to facilitate Ayr Industrial Estate Expansion) and Development Permit for Reconfiguring a Lot (3 lots into 48 lots)**

**Executive Summary**

A Development Application has been received from Milford Planning on behalf of Burdekin Shire Council seeking a preliminary approval for a Material Change of Use for a Variation Request and Development Permit for Reconfiguring a lot (3 into 48 lots). This is proposed on 31-87 Craig Street and 23-25 McCathie Street, Ayr (Lot 1 on RP733033, Lot 12 on SP123414 and Lot 16 on RP745329).

The proposal is defined as a variation request and reconfiguring a lot and triggers Impact Assessment in accordance with the provisions of the *Burdekin Shire IPA Planning Scheme 2011*. As the application involved a variation request, it was required to be publicly notified for 30 business days. The application also required referral to the North Queensland State Assessment and Referral Agency (NQ SARA) having regard to matters of state transport infrastructure.

A full assessment of the application is provided in this assessment report.

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## Recommendation

That Council approves the Development Application seeking a preliminary approval for a Material Change of Use (Variation Request to Facilitate the Ayr Industrial Estate Expansion) and Development Permit for Reconfiguring a lot (3 into 48 lots) at 31-87 Craig Street and 23-25 McCathie Street, Ayr (Lot 1 on RP733033, Lot 12 on SP123414 and Lot 16 on RP745329), subject to the following conditions:

### General

1. All rates and charges (including regulated infrastructure charges) in arrears in respect of the land the subject of the application are paid in full prior to the commencement of the proposed use or notation of the plan of subdivision, whichever comes first.

### Plan of Development

- 2.1 This preliminary approval and development permit apply only to the structure plan area shown on 'Schedule 1 – Structure Plan Area Ayr Industrial Estate Expansion Plan of Development', Plan Reference M1519–SK–01, Revision N/A, prepared by Milford Planning, dated 2 December 2019.
- 2.2 Development occurs in accordance with the 'Ayr Industrial Estate Expansion Plan of Development', Document Reference M1519, Revision 3, prepared by Milford Planning, dated 20 April 2020. This includes the following:
  - (a) Purpose and overall outcomes;
  - (b) Levels of assessment; and
  - (c) Ayr Industrial Estate Expansion Development Code.
- 2.3 The effect of the *Burdekin Shire IPA Planning Scheme 2011* is varied only to the extent included in the 'Ayr Industrial Estate Expansion Plan of Development', Document Reference M1519, Revision 3, prepared by Milford Planning, dated 20 April 2020.
- 2.4 The 'Ayr Industrial Estate Expansion Plan of Development', Document Reference M1519, Revision 3, prepared by Milford Planning, dated 20 April 2020 prevails to the extent of any inconsistency with the *Burdekin Shire IPA Planning Scheme 2011*.
- 2.5 The 'Ayr Industrial Estate Expansion Plan of Development', Document Reference M1519, Revision 3, prepared by Milford Planning, dated 20 April 2020 does not vary the effect of overlays or the category of assessment for building work and operational work in the *Burdekin Shire IPA Planning Scheme 2011*.
- 2.6 The balance of Lot 1 on RP733033 not within the 'Schedule 1 – Structure Plan Area Ayr Industrial Estate Expansion Plan of Development', Plan Reference M1519–SK–01, Revision N/A, prepared by Milford Planning, dated 2 December 2019, and adjacent to the Bruce Highway, is to be used as a drainage easement only.

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## Approved Plans

- 3.1 The approved development must be carried out and maintained generally in accordance with the drawings/documents identified in the below table:

Document	Plan Ref, Rev.	Prepared by	Date
Schedule 1 – Structure Plan Area Ayr Industrial Estate Expansion Plan of Development	M1519-SK-01, Revision N/A	Milford Planning	02/12/2019
Ayr Industrial Estate Expansion Stage Development Detailed Layout Plan	M-1178-9, Revision A	Burdekin Shire Council	13/02/2020
Ayr Industrial Estate Expansion Stage Development Stage Blocks	M-1178-6, Revision A	Burdekin Shire Council	13/02/2020
Ayr Industrial Estate Expansion Stage Development Stage Road and Drainage Network	M-1178-7, Revision A	Burdekin Shire Council	13/02/2020
Ayr Industrial Estate Expansion Stage Development Stage Sewerage and Water Network	M-1178-8, Revision A	Burdekin Shire Council	13/02/2020
Ayr Industrial Estate Expansion Plan of Development	M1519, Revision 3	Milford Planning	20/04/2020
Ayr Industrial Estate Planning Stormwater Management Plan (as amended in red)	4220949, Revision A	GHD	01/08/2019
Ayr Industrial Estate Traffic Impact Assessment	4220434, Revision 0	GHD	01/05/2018
Stage 1A Traffic Impact Assessment Memorandum	4220434-MEM Revision B	GHD	06/02/2019
Ayr Industrial Estate Stage 1A Access Intersection Capacity Sensitivity Analysis Memorandum	4220434-MEM-B	GHD	22/11/2019

Except where modified by the conditions of approval and any approval issued thereunder; and

(a) Any approval issued under this approval; and

(b) Any development permit for operational works relating to the reconfiguring of a lot.

- 3.2 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.
- 3.3 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.
- 3.4 The proposed development and all associated infrastructure is delivered to each lot generally in accordance with the three (3) stages identified on the 'Ayr Industrial Estate Expansion Stage Development Stage Blocks', Plan Reference M-1178-6, Revision A, prepared by Burdekin Shire Council, dated 13 February 2020.

## Infrastructure – General

- 4.1 Any damage which is caused to council's infrastructure as a result of the proposed development must be repaired immediately.
- 4.2 The developer must, at its own cost, undertake all necessary alterations to public utility mains and services as are rendered necessary by carrying out any required external works or other works associated with the approved development.

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- 4.3 The location of services (e.g. water, stormwater, sewage, waste, drainage, electricity, telecommunications) must minimise the risk of adverse environmental or amenity impacts within or external to the site.

#### **Stormwater**

- 5.1 A lawful point of stormwater discharge is achieved to the drainage easement locations identified on 'Ayr Industrial Estate Expansion Stage Development Stage Road and Drainage Network', Plan Reference M-1178-7, Revision A, prepared by Burdekin Shire Council, dated 13 February 2020.
- 5.2 All lots are to achieve a 0.25% minimum site grade is achieved in accordance with the 'Ayr Industrial Estate Planning Stormwater Management Plan' (as amended in red), Document Reference 4220949, Revision A, prepared by GHD, dated 1 August 2019.
- 5.3 The minor drainage shall consist of an underground system capable of conveying 50% AEP flows from the development and any external catchments currently flowing onto the land being developed in accordance with the 'Ayr Industrial Estate Planning Stormwater Management Plan' (as amended in red), Document Reference 4220949, Revision A, prepared by GHD, dated 1 August 2019.
- 5.4 The major drainage system shall consist of overland flow paths or suitably sized underground drainage capable of discharging 1% AEP flows from the development under normal circumstances and any external catchments currently flowing onto the land being developed in accordance with the 'Ayr Industrial Estate Planning Stormwater Management Plan' (as amended in red), Document Reference 4220949, Revision A, prepared by GHD, dated 1 August 2019.
- 5.5 The proposed drainage shall ensure that there is no worsening to upstream and downstream catchments.
- 5.6 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality or cause ponding or concentration of stormwater on adjoining land or roads.
- 5.7 All stormwater calculations and detailed design shall be certified by a Registered Professional Engineer of Queensland and included as part of the operational works application.
- 5.8 Any pipe and surface grading during construction is undertaken under the direct supervision of a Registered Professional Engineer of Queensland to ensure construction grade control and minimise the potential for ponding in accordance with the 'Ayr Industrial Estate Planning Stormwater Management Plan', Document Reference 4220949, Revision A, prepared by GHD, dated 1 August 2019.
- 5.9 Drainage reserves and easements shall be provided as required by the stormwater design. The developer must, at its own cost, grant and register all such easements on the title document.
- 5.10 On-going maintenance associated with existing open stormwater drains and any proposed changes to these drains as a result of this application, shall be the responsibility of the developer for a period of twelve (12) months or up until the developer achieves off-maintenance.
- 5.11 Any future activities involving water-borne pollutants include bunds to all sealed impervious surfaces with receptors for spills and are linked to an on-site drainage treatment system.
- 5.12 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.



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- 5.13 Stormwater networks are to be designed in accordance with the current standards of the Queensland Urban Drainage Manual (QUDM) and Australian Rainfall and Runoff (AR&R).

#### **Drainage Easements**

- 6.1 Stormwater drains, where required, are to be constructed in accordance with the following design specifications:
- (a) Open drains incorporated in the minor drainage system shall be located within drainage easements; and
  - (b) No drain invert is to be constructed lower than the existing standing water level.
- 6.2 Overland flow paths designed as part of the major drainage system shall be constructed within drainage easements to be dedicated to council.
- 6.3 Piped drains traversing allotments shall be located within drainage easements.
- 6.4 Construct drainage to be fully contained within Drainage easements.
- 6.5 Temporary drainage constructed during the staging of the project shall be within easements. These easements may be relinquished at the completion of any future stages in the development which renders the easement unnecessary for the transportation of stormwater.
- 6.6 Solid, continual length fencing is not provided along the rear boundary of lots 1-11. These lots retain a relationship to open space within Lot 16 on RP745329.

#### **Lot and Road Levels**

- 7.1 All new lots are to have finished levels above the 1% AEP flood level in accordance with the 'Ayr Industrial Estate Planning Stormwater Management Plan' (as amended in red), Document Reference 4220949, Revision A, prepared by GHD, dated 1 August 2019.
- 7.2 The new access road over Lot 16 on RP7453229, Road E, has a finished level above the 2% AEP flood level in accordance with relevant council standards.

#### **Erosion and Sediment Control**

- 8.1 The development documents and implements erosion and sedimentation controls in a Construction Management Plan. These controls:
- (a) Avoid extensive earthworks on slopes greater than 15% (1:5);
  - (b) Minimise disturbance on slopes greater than 10% (1:10);
  - (c) Maintain natural flow paths for surface drainage;
  - (d) Incorporate sediment traps to prevent the movement of sediment off-site;
  - (e) Avoid long-term stockpiling of soil; and
  - (f) Identify the progressive rehabilitation of disturbed areas.
- 8.2 The stormwater and water management systems include erosion and sediment control measures to maintain or improve the environmental values of surface and ground water during and after construction.
- 8.3 There must be no release of soil, sand, mud or other sediments and contaminants to roads during construction or future use of the site to which this approval relates. All material transported to and from the site must be covered to prevent dust and spillage.

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## Access and Roadworks

- 9.1 The applicant is to dedicate the road reserve area identified along the Bruce Highway frontage in 'Ayr Industrial Estate Expansion Stage Development Detailed Layout Plan', Plan Reference M-1178-9, Revision A, prepared by Burdekin Shire Council, dated 13 February 2020, to the Department of Transport and Main Roads.
- 9.2 Access to the Ayr Industrial Estate Expansion is provided via a new road extension from McCathie Street. An unsignalised intersection is provided where Road E meets McCathie Street.
- 9.3 The developer must construct sealed roads along all road frontages to each property in accordance with the following and the 'Ayr Industrial Estate Traffic Impact Assessment', Document Reference 4220434, Revision 0, prepared by GHD, dated 1 May 2018:
  - (a) The proposed roads shall be 14m wide kerb-to-kerb;
  - (b) Provide stand-up kerbing and channelling on both sides of the road with a distance of 14m between the kerbs and a minimum 4m wide footpaths on each side;
  - (c) Provide gravel pavement for the full width between kerbing and channelling and 40mm minimum thickness asphaltic concrete surface;
  - (d) Pavement markings and signage shall be provided in accordance with the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices; and
  - (e) Achieve a 2% minimum crossfall.
- 9.4 Gravel pavements shall be designed in accordance with the Queensland Transport Pavement Design Manual and relevant Department of Transport and Main Roads' standard specifications.
- 9.5 An application for street names must be submitted to and approved by council prior to the approval of Operational Works. Approved street names must be shown on all engineering drawings submitted with the operational works application.
- 9.6 Street nameplates must be erected at each intersection indicating the name of each street and the street numbers. The signs shall be in accordance with council standard street nameplates and be erected in accordance with the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices.
- 9.7 Corner truncations are provided at the following intersections shown on the 'Ayr Industrial Estate Expansion Stage Development Detailed Layout Plan', Plan Reference M-1178-9, Revision A, prepared by Burdekin Shire Council, dated 13 February 2020:
  - (a) Road A and Road B;
  - (b) Road B and Road C;
  - (c) Road C and Road D;
  - (d) Road D and Road A;
  - (e) Road A and Road E; and
  - (f) Road E and McCathie Street (at the corner with Lot 12 on SP123414 and Lot 73 on SP102302).
- 9.8 Corner truncations are a minimum 5.5m x 3 equal chords, except at the corner of Road E and Lot 12 on SP123414 and Road E and Lot 73 on SP102302, which are single chords in accordance with relevant council standards.
- 9.9 Corner truncations are kept clear of development and other obstructions such as fences, drainage and landscaping.



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- 9.10 The existing perimeter fence around the sewage pump station on Lot 73 on SP102302 maintains access between the pump station and Road E for pedestrians.
- 9.11 Provide a bitumen turnaround at the end of Road B and Road C when Stages 1A and 1B are delivered. The turnaround shall have a minimum radius of 15 metres and be contained within road reserve or easements. The dedicated road reserve/easement shall extend to a point 5 metres beyond the end of the turnaround. The construction of the turnaround is to be in accordance with Council design guidelines.
- 9.12 All road reserves ensure minimum sight distances and turning radii meet safety standards.
- 9.13 Any road signs are installed in accordance with the Department of Transport and Main Roads' Design Guide for Roadside Signs and SD1452.
- 9.14 The road network is designed and constructed in accordance with the Austroads' *Guide to Traffic Engineering Practice Manuals, Guide to Traffic Management and Guide to Road Design* standards and the current edition of the Department of Transport and Main Roads' *Road Planning and Design Manual*.
- 9.15 Development achieves no net worsening to the Bruce Highway/Bird Street/Jones Street intersection in accordance with the 'Stage 1A Traffic Impact Assessment Memorandum', Document Reference 42204340-MEM, Revision B, prepared by GHD, dated 6 February 2019.

#### **Operational Works**

- 10.1 Where operational works are required to be carried out, the developer must, within the timeframe required by the *Planning Act 2016* and prior to the commencement of any work, lodge with council an application for a development permit for operational works. As part of such an 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 a current Registered Professional Engineer of Queensland (RPEQ); and
  - (b) 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.
- 10.2 No work commences prior to issue of a development permit for operational works.
- 10.3 Review background traffic trends and the operation of the Bruce Highway/Bird Street/Jones Street intersection and sections of the Bruce Highway south of Bird Street and south of Ayr prior to the commencement of future stages of development in accordance with the 'Ayr Industrial Estate Traffic Impact Assessment', Document Reference 4220434, Revision 0, prepared by GHD, dated 1 May 2018.

#### **Street and Other Lighting**

- 11.1 Provide street lighting along all new streets in accordance with AS 1158.3.11 – Road Lighting (Lighting Category P4). The consent of council's Chief Executive Officer will need to be gained before the final designs are adopted.
- 11.2 Street lighting is serviced by underground electricity service mains.

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### **Sewerage Supply Works – Internal**

- 12.1 The development must be serviced by the council's reticulated sewerage system. The developer shall bear the costs associated with such connections including any alterations or upgrades to councils existing infrastructure to accommodate the proposed development. In particular:
- (a) Each lot must be provided with a single property service to be connected directly and separately to council's sewer prior to signing the survey plan; and
- 12.2 Sewerage supply networks are to be designed in accordance with the current Water Services Association of Australia (WSAA) standards.

### **Water Supply Works – Internal**

- 13.1 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. Each of the proposed lots shall have separate water services:
- (a) A water network analysis, prepared by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ), must be provided to council for approval as part of the development permit for operational works; and
  - (b) The water network analysis must demonstrate that for the entire development, a minimum pressure of 22m is available at the most disadvantaged allotment frontage/meter location upon completion of the stage, and detail stages at which trunk components of the network should be implemented.
- 13.2 Water supply networks are to be designed in accordance with the current Department of Natural Resources, Mines and Energy Planning Guidelines for Water Supply and Sewerage and relevant Water Services Association of Australia (WSAA) standards.

### **Electricity and Telecommunications Supply**

- 14.1 The developer must, prior to the release of the plan of survey, submit a letter from Ergon Energy (or other suitable entity) stating that satisfactory arrangements have been made with it for the provision of an underground electricity supply to the expansion area and must provide at the developer's cost:
- (a) A reticulated electricity supply to each lot in accordance with the requirements of the electricity service provider.
- 14.2 The developer must install electrical and telecommunications infrastructure to the satisfaction of the electricity and telecommunications service provider/s prior to the approval of the plan of survey.

### **Compaction Standards**

- 15.1 Where fill is incorporated on allotments, details of compaction standards obtained are to be provided to council. Such standards are to comply with the minimum standard for building construction.

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### **As–Constructed Plans**

16.1 Prior to the release of the plan of survey, the developer shall provide council with a complete set of as-constructed plans for all works and an electronic copy which is to be compatible with council's system at the relevant time. Such plans are to be certified by a Registered Professional Engineer of Queensland.

### **ADVICE (Note: These are not conditions)**

- *Concurrence Agency Conditions*  
*The Department of State Development, Manufacturing, Infrastructure and Planning (NQ SARA) as a concurrence agency has imposed the conditions contained in the correspondence dated 24 December 2019.*
- *Earthworks*  
*If the development of the subject property requires soil to be imported or exported, the developer must identify the allotments which would be used for borrowing or filling and must obtain council approval for such works in addition to engineering approval for the development, including consideration of acid sulfate soil and preventing its release. The developer must also obtain council approval for the route of transport and the period and time of transport during the construction phase of the development.*
- *Environmental Considerations*  
*E.P.A. Requirements*  
*Construction must comply with the Environmental Protection Act, Policies and Guidelines, as amended from time-to-time, to prevent or minimise environmental harm and nuisance.*

### **Resolution**

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

CARRIED

### **6.4 TECHNICAL SERVICES**

### **7 NOTICE OF MOTION**

### **8 RECEIPT OF PETITIONS**

### **9 CORRESPONDENCE FOR INFORMATION**

11.32am Mr. Great left the meeting.

### **10 GENERAL BUSINESS**

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## **11 CLOSED BUSINESS ITEMS**

*11.35am Councillor Furnell declared a Perceived Conflict of Interest in relation to Item 11.1 as he is a co-owner of Burdekin Swim School. Councillor Furnell left the meeting.*

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

#### **Resolution**

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

275(1)(e) contacts proposed to be made by it:

For the purpose of discussing:

1. Annualising Contract Payments – Ayr Swimming Pool

CARRIED

### **Council Meeting opened to Public**

#### **Resolution**

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

CARRIED

### **11.1 Confidential Report - Request to Annualise Contract Payments - Ayr Swimming Pool**

#### **Background Information**

The contract for managing the Ayr Swimming Pool finishes on 30 April 2020. An offer has been made to the contractor for an optional 12 month extension in accordance with the contract terms. The contractor, Sage Swim Pty Ltd has requested that the payment is annualised and spread evenly over the contract period to financially assist them over the proposed closure period.

#### **Resolution**

Moved Councillor Detenon, seconded Councillor Musumeci that Council agrees to annualise the contract payments for the Management of Ayr Swimming Pool to 26 equal instalments over the period from 1 May 2020 to 30 April 2021, noting that if the contract is terminated prior to 30 April 2021 Council reserves the right to recalculate contract payments based on the original agreement and if the sum of the revised contract payment is greater than the original contract payment, the contractor is required to repay to Council the difference.

CARRIED

*11.40am Councillor Furnell returned to the meeting.*

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## **12. DELEGATIONS**

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

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 12 May 2020.**

**MAYOR**

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### **3.2 Local Disaster Management Group Meeting Minutes - 17 April 2020**

#### **Recommendation**

That the minutes of the Local Disaster Management Group Meeting held on 17 April 2020 be received as a true and correct record.

## Local Disaster Management Group Meeting

Held on 17 April 2020 at 12.02pm  
Council Administration Building – John Drysdale Chambers

1. Attendance		
Core Members – John Drysdale Chambers		
Councillor Lyn McLaughlin	Mayor - Chairperson	Burdekin Shire Council
Ms. Eileen Robinson	Local Disaster Coordinator	Burdekin Shire Council
Ms. Linda Govan	Coordinator Environment and Health Projects	Burdekin Shire Council
Mr. Nick Wellwood	Director Infrastructure, Planning & Environmental Services	Burdekin Shire Council
Core Members – Telephone		
Ms. Debra Cochran	Welfare – Chief Executive Officer	Burdekin Community Association
Mr. Andy Pethybridge	Emergency Management Coordinator	Queensland Fire and Emergency Services
Mr. John Winn	Local Controller	State Emergency Services
Apologies - Core Members		
Mr. Wayne Saldumbide	Manager Operations	Burdekin Shire Council
Mr. Steven Knight	Area Commander of Southern Command	Queensland Fire and Emergency Services
Advisors – John Drysdale Chambers		
Councillor Sue Perry	Deputy Chairperson	Burdekin Shire Council
Councillor John Furnell	Councillor	Burdekin Shire Council
Mr. Terry Brennan	Chief Executive Officer	Burdekin Shire Council
Mr. Nick O'Connor	Director Corporate & Community Services	Burdekin Shire Council
Mr. Warren Francis	Disaster Management Officer	Burdekin Shire Council
Mr. Nathan Toll	Media and Communications Officer	Burdekin Shire Council
Advisors - Telephone		
Mr. Sam Savage	Community and Partnerships Development Officer	Australian Red Cross
Mr. Mark Biffanti	General Manager	Energy Queensland
Ms. Sue Collier	Chief Executive Officer	Flexi Queensland
Ms Jo Beadle	Representative	GIVIT
Mrs. Sharon Galeano	Senior Advisor	Department of Communities, Disability Services and Seniors
Mr. George Christensen	Federal Member	Member for Dawson
Mr Martin Thomas	Representative - Ayr	Queensland Ambulance Services
Mr. Greg Vincent	Station Officer	Queensland Fire and Emergency Services
Mr. Kevin Trueman	Officer in Charge – Ayr	Queensland Fire and Emergency Services
Ms. Tracey Gabiola	Director of Nursing – Ayr Hospital	Queensland Health
Sergeant Steve Wilson	Officer in Charge – Home Hill	Queensland Police Service
Senior Sergeant Ben Walsh	Representative - Ayr	Queensland Police Service
Mr. Jeffery Dawson	Member	Queensland Rail
Mr. Jade Christensen	Regional Liaison Officer	Queensland Reconstruction Authority
Mrs. Rosemary Menkens	Radio Announcer	Radio 97.1 Sweet FM
Mr. Peter Luke	Cane Supply Manager	Wilmar
Apologies - Advisors		
Mrs. Janai Giddy	Deputy Disaster Management Officer	Burdekin Shire Council

## Local Disaster Management Group Meeting

Held on 17 April 2020 at 12.02pm  
Council Administration Building – John Drysdale Chambers

Mr. Brett Whitbread	Manager Delivery and Operations – Northern District	Department of Transport and Main Roads
Ms. Leanne Marriott	Representative	Flexi Queensland
Ms. Tracey Bell	Team Leader Respite – In Home Accommodation Support	Flexi Queensland
Mr. Michael Shapland	Executive Director – Assurance and Evaluation	Office of the Inspector General Emergency Management
Mr. Steve Brennan	Station Officer – Home Hill	Queensland Fire and Emergency Services
Mr. Charles Scuderi	Radio Announcer	Radio 97.1 Sweet FM

Minutes Clerk – Mrs. A. Dale

Chair McLaughlin welcomed newly appointed Deputy Chair, Councillor Sue Perry and Advisor, Councillor John Funnell to the LDMG meeting.

### 2. Minutes Received

#### MINUTES OF THE BURDEKIN SHIRE COUNCIL LOCAL DISASTER MANAGEMENT GROUP MEETING HELD ON 20 MARCH 2020.

2.1 Moved Mr. Andy Pethybridge, seconded Eileen Robinson that the minutes of the Burdekin Shire Council Local Disaster Management Group Meeting held on Friday 20 March 2020 be received as a true and correct record.

CARRIED

### 3. Business Arising out of Minutes and Review Action Items List

NIL

### 4. Correspondence for Information

NIL

### 5. Agency Reports

#### 5.1 Andy Pethybridge – Queensland Fire and Emergency Services

1. Please refer to attached report.

#### 5.2 Mr. Martin Thomas – Queensland Ambulance Service

1. Have restocked resources as they have become available. Currently have a sufficient amount of stock.
2. Transport numbers remain low.
3. Communication Codes are working well.

#### 5.3 Mrs. Rosemary Menkens – Radio 97.1 Sweet FM

1. Sweet FM are keeping abreast with the new reports and broadcasting these to the community.



### **5.4 Senior Sergeant Ben Walsh – Queensland Police Service**

1. Have been taking action against backpackers breaching COVID-19 social distancing directives.
2. Trying to work with managers of backpacker hostels.

At this point in the meeting, Chair McLaughlin advised that she attended a District Disaster Management Group Meeting today and discussed the issues of backpackers and travellers. Attendees were informed that there has been a national group established to provide guidance around backpackers and non-locals. The LDMG are expecting guidelines to be released in the next few days. It is expected that the guidelines will make it clearer regarding the current issues. This is an issue being experienced across all of Australia.

### **5.5 Mr. George Christensen – Federal Member of Dawson**

1. Mr. Christensen praised police for their actions. Was concerned that this behaviour would cause a great deal of community angst and have support withdrawn by the public for their presence. It was suggested that non-conforming and negligent backpackers be referred to Border Forces and be sent home.

Mr. Brennan added clarity advising that the purpose of the discussion with the DDMG was regarding requirements in the hostels such as the number of people allowed in the public areas and kitchens within the hostels. Restrictions of 2 people would not be feasible, especially when cooking in the kitchen. This would take as long as 24 hours for everyone to have dinner.

Senior Sergeant Ben Walsh advised that the police have continued to communicate with all backpacker managers directly and that the recent actions taken by the Police against backpackers were taken due to blatant and wilful breaches of the direction in relation to organised parties and large gatherings.

### **5.6 Ms. Debra Cochran – Burdekin Community Association**

1. Finding ways to continue to assist people – services have not changed too much.
2. Increased welfare checks and offering people essential services.
3. Out of 700 home care clients, approx. 25 have suspended in-home services – still regularly ringing and checking in.
4. Have the capacity and are happy to assist other community members wherever they can.

### **5.7 Ms. Jo Beadle – GIVIT**

1. There are no requests lodged with GIVIT for assistance in the Burdekin Local Government area.

### **5.8 Ms. Sharon Galeano – Department of Communities, Disability Services and Seniors**

1. A new fact sheet has been distributed with information and contact details that can be shared on website. The Department are trying to achieve a one-stop-shop to have all the information in one place.
2. Data has been sent to the Local Disaster Coordinator regarding people volunteering to participate in the 'Care Army'. The Department will be contacting Meals on Wheels to determine if they require assistance.

### **5.9 Ms. Tracey Gabiola – Queensland Health**

1. New South Wales and Victoria have changed the guidelines for testing COVID-9. Queensland Health are waiting for advice if Queensland's testing guidelines will be altered.
2. There are infrastructure changes to Ayr and Home Hill facilities to manage the flow of presentations – emergency, birthing, general outpatients, visitors and staff.
3. No issues with PPE in Ayr and Home Hill Hospitals. Nil issues with the health of staff.
4. There are visitor restrictions at the hospitals. There has been very little negativity regarding these changes.

### 5.10 Ms. Sue Collier – Flexi Queensland

1. Continuing to focus on providing essential services to people with a disability.
2. Still having issues with sourcing PPE.

### 5.11 Mr. John Winn – State Emergency Services

1. Rural Fire Brigade and SES have been issued with very small support pandemic kits.
2. Training issues – using technology to keep members up to date.
3. All vehicles have been serviced by Council and are being maintained to ensure they continue to work.

### 5.12 Mr. Mark Biffanti – Energy Queensland

1. Following Energy Queensland Emergency Management Team directions and protocols.
2. Still operating with a few changes to normal operations.
3. Limited contact between staff as many are working from home. There is limited contact at the Depot.

### 5.13 Mr. Nick Wellwood – Burdekin Shire Council

1. Camping facilities are closed throughout the Shire and Council are working with QPS to move on those wanting to still use the closed facilities.
2. Comfort Stop at Home Hill is closed.
3. Non-COVID-19 issue – all NDRP River Gauge Duplication and maintenance work has been completed with the exception of the Burdekin Dam.
4. Upgrade work is still pending at Hurricane Cliff in regard to the helipad, however the battery and solar panel upgrades have been completed.
5. Continuing to clean all the park table, chairs and amenities throughout the shire.

### 5.14 Mr. Nick O'Connor – Burdekin Shire Council

1. Council is continuing with the Business Continuity Plan outlining critical business functions and workforce planning.
2. A number of Council's facilities have closed. Council's focus has been the redeployment of staff and providing innovative ways to delivery services.

### 5.15 Ms. Linda Govan – Burdekin Shire Council

1. Council are contacting backpacker hostels and caravan parks twice weekly to gather information on new arrival figures, quarantine procedures, facility operations and how caravan parks are handling essential travellers. This information is also available for the QPS.

## 6. Local Disaster Coordinator Update

- 6.1 Ms. Robinson reassured everyone that along with Mr. Francis and Mr. Pethybridge, they will be working together to ensure compliance of all QDMTF Training requirements. All training is to be scheduled shortly.

### MOTION – ENDORSEMENT OF PANDEMIC INFLUENZA SUB-PLAN

- 6.2 Moved Ms. Linda Govan, seconded Ms. Eileen Robinson that Burdekin Shire Council Local Disaster Management Group endorse the Pandemic Influenza Sub-Plan and include the Sub-Plan in the Local Disaster Management Plan.

CARRIED

### 7. General Business

#### 7.1 Mayor McLaughlin – Burdekin Shire Council

1. Advised that this will be the last proposed meeting of this season unless there is a necessity to call a special meeting, possibly in relation to the pandemic.
2. The next proposed meeting will be held in October 2020.
3. Mayor McLaughlin expressed thanks to Ms. Robinson, Mr. Francis and commended all members involved with keeping the community safe. There has only been one traceable COVID-19 case and no community transmission. It is important to continue to be vigilant about social distancing, staying at home and following the National Cabinets directives.
4. LDMG is still contactable and if there is a need a meeting will be called.

There being no further business the meeting closed at 12.32pm.

CHAIRPERSON

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### **3.3 RADF Advisory Group Meeting Minutes - 23 April 2020**

#### **Recommendation**

That the minutes of the RADF Advisory Group Meeting held on 23 April 2020 be received and adopted.

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**Burdekin Shire Council**

**Minutes – RADF Advisory Group Meeting**  
**held on Thursday, 23 April 2020**

Held at John Hy Peake Rooms  
The meeting commenced at 3-30pm

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**CLAUSE 1            ATTENDANCE**

Cr. S Perry – Chairman  
Cr. J Bonanno  
Mr. David Cornwell - Manager Community Development  
Ms. Erin Alloway  
Mrs. Treena List  
Mrs. Coral Colquhoun  
Observer – Cr. Lyn McLaughlin, Mayor  
  
Mrs. Janice Horan – RADF Liaison Officer

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**CLAUSE 2            INTRODUCTION OF RADF MEMBERS**

Cr. Sue Perry opened the meeting and introduced herself to members. Cr. Perry advised that she was pleased to have been appointed Chairman of the RADF Advisory Group at the Post-Election meeting on Tuesday, 14 April 2020. She said she looked forward to working with RADF members to further arts and cultural activities which add to the social fabric in the Burdekin community. She also recognised and congratulated members on the work undertaken by the group in the previous term. RADF members were introduced including Cr. Bonanno who had been re-appointed to RADF.

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**CLAUSE 3            MINUTES OF 18 DECEMBER 2019 MEETING RECEIVED**

It was resolved that the minutes of the RADF Advisory Group meeting held on 18 December 2019 be received.

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**CLAUSE 4            ROUND 2 OF 2019/20 RADF PROGRAM**

The meeting noted that Round 2 of the 2019/20 RADF program was due to be advertised in print and electronic media. It was noted that due to the effects of COVID-19, it was extremely unlikely that any applications would be received for the projects to be undertaken between July and December 2020.

It is recommended that Council:

1. Carry over 2019/20 RADF Round 2 funds of \$11,486 to the 2020/21 year;
  2. Advertise Round 1 of RADF 2020/21 program as soon as possible after receiving Arts Queensland approval, in approximately September 2020;
  3. Distribute a press release advising community that RADF Round 2 would be postponed and that 2019/20 unspent funds would be rolled over to the 2020/21 program.
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**CLAUSE 5            MEMBERSHIP OF RADF ADVISORY GROUP**

The meeting noted that Ms. Alloway's four year term of RADF membership had expired. As RADF guidelines require that community members stand down after four years of RADF membership, it

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was noted that it would be necessary to call applications for one new RADF member. Cr. Perry thanked Ms Alloway for her significant contribution to the community and the RADF Advisory Group during the previous four years.

It is recommended that expressions of interest be invited for one community representative position on the RADF Advisory Group.

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**CLAUSE 6                      TIMING OF FUTURE RADF MEETINGS**

The meeting resolved to recommend that future RADF Advisory Group meetings be held on Tuesdays following Council meetings commencing at 3-30pm or 4-00pm (to fit in with closing time of Council meetings).

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**CLAUSE 7                      PROPOSED ART AND CULTURAL STRATEGY**

Mr. Cornwell advised the meeting that expressions of interest had been invited for preparation of Burdekin Shire Council's Art and Cultural Strategy. He advised that five consultants had been contacted and one expression of interest had been received. Because of the current situation with COVID-19 and the input that would be necessary from community members and stakeholders, it had been decided to place on hold preparation of the Art and Cultural Strategy.

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**CLAUSE 8                      PROPOSED MURAL – KALAMIA CANE GROWERS' BUILDING**

The meeting discussed the mural proposed to be installed on the Kalamia Cane Growers' building utilising Works for Queensland funds.  
It is recommended that planning for the mural on the Kalamia Cane Growers' building be deferred until after the Art and Cultural Strategy is finalised and delivered.

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**CLAUSE 9                      INSTALLATION OF '4807' ARTWORK**

The meeting noted that the '4807' artwork would be installed in the selected location within Plantation Park by 24 April 2020.

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**CLAUSE 10                     PROPOSED MURAL – FORMER HOME HILL CO-OP BUILDING**

The meeting noted that approval to proceed with the proposed mural on the former Home Hil Co-Op Building, utilising Works for Queensland funds, will be forthcoming from the owner's representative when he is in a legal position to do so.

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**CLAUSE 11                    RE-ALLOCATION OF RADF FUNDS**

The meeting noted that two projects approved in Round 1 of the 2019/20 RADF program would not be proceeding as the projects had been cancelled due to the effects of COVID-19. These projects included \$5,000 towards undertaking "Sculpted by Fire" and \$5,000 towards conducting the 2020 Burdekin Cultural Fair, as part of the Sweet Days, Hot Nights Festival.

It is recommended that Arts Queensland approval be sought to re-allocate funds of \$10,000, originally proposed for cancelled projects of "Sculpted by Fire" and 2020 Burdekin Cultural Fair, to conduct a community concert to re-invigorate community spirit when such an event is able to proceed following lifting of COVID-19 restrictions.

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**CLAUSE 12                    GENERAL BUSINESS**

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#### **Shopfronts – Home Hill CBD**

Mrs. List raised concerns about the condition of shopfronts as well as the untidy interiors of unoccupied shops in the Home Hill CBD. The meeting discussed options for improving the aesthetics of the area, however it was acknowledged that the matter was outside the area of responsibility of the RADF Advisory Group.

#### **Lighting – Lloyd Mann Park**

Cr. Bonanno stated that he considered the two new recently installed shelters at Lloyd Mann Park leant themselves to the installation of LED lights to distribute lighting on to existing trees within the park.

#### **‘Big Stick of Cane’ Sculpture, Eighth Avenue, Home Hill**

The meeting noted that consideration has been given in previous meetings to the upgrade and possible relocation of the ‘Big Stick of Cane’ sculpture. It was acknowledged that further consideration needed to be given to this project, its location and requirement to be recognised as “Big”.

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There being no further business, the meeting closed at 5-00pm

Cr. S Perry  
CHAIRMAN

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## **4 EXECUTIVE**

### **4.1 CEO**

### **4.2 ECONOMIC DEVELOPMENT**

## **5 CORPORATE AND COMMUNITY SERVICES**

### **5.1 CLIENT SERVICES**

### **5.2 COMMUNITY DEVELOPMENT**

### **5.3 FINANCIAL AND ADMINISTRATIVE SERVICES**

#### **5.3.1 COVID-19 Financial Considerations**

#### **Document Information**

**Referring Letter No:** N/A

**File No:** N/A

**Name of Applicant:** N/A

**Location:** N/A

**Author and Title:** Mr. Nick O'Connor – Director Corporate and Community

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#### **Executive Summary**

The purpose of this report is to seek formal Council endorsement of administrative actions implemented to reduce the financial impact of the COVID-19 pandemic on the Burdekin Community, in the following areas of Council operations:

- Rates Recovery
- Accounts Payable
- Interest Free Loans for sporting bodies and community organisations



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## Recommendation

That:

- (1) Council acknowledges the contents of this report and endorses the amended processes implemented in the areas of Rates Recovery, Accounts Payable and Interest Free Loans for sporting bodies and community organisations, as detailed in this report; and that
- (2) These amended arrangements remain in place for the duration of the declared COVID-19 Pandemic or until such time as Council sees fit to adjust accordingly.

## Background Information

Councillors have been briefed on a number of administrative initiatives implemented to reduce the financial impact of the COVID-19 pandemic on the Burdekin Community. These initiatives include:

### Rates Recovery

- Staff are not currently initiating any contact with ratepayers who have either not paid or not honoured a rates payment arrangement.

When customers contact either Council staff or Council's debt collection agency (Collection House) to advise they are unable to make payments, they are advised:

- To pay what they can when they can – even small amounts.
- Remain in contact with either Council or Collection House (depending on where their file is).
- Interest will still accrue on outstanding amounts.

### Accounts Payable

- Have implemented weekly payment runs to support/stimulate the local economy.

### Interest Free Loans for sporting bodies and community organisations

For organisations with an approved loan:

- Send a letter encouraging organisations to pay if they can – if not, to apply for consideration.
- Allow no payment for 2019/2020 and adjust remaining payments for loan to be paid within existing loan timeframe.
- *Noting that no interest is charged on these loans and the maximum loan terms are ten years in accordance with Treasury Guidelines, hence the adjustment of the loan repayments over the remaining term of the loan.*

## Link to Corporate/Operational Plan

Build a Robust and Resilient Community.

## Consultation

Councillor Workshop Meeting and Induction briefing.

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**Legal Authority or Implications**

N/A

**Policy Implications**

N/A

**Financial and Resource Implications**

N/A

**Report Prepared By:**

Mr. Nick O'Connor – Director Corporate and Community Services

**Report Authorised By:**

Mr. Terry Brennan – Chief Executive Officer

**Attachments**

N/A

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## 5.4 GOVERNANCE

### 5.4.1 Acceptable Request Guidelines for Councillors

#### Document Information

Referring Letter No:	N/A
File No:	2164
Name of Applicant:	N/A
Location:	N/A
Author and Title:	Mrs. Rebecca Stockdale – Senior Governance Officer

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#### Executive Summary

In order to carry out their responsibilities as elected members, from time to time, Councillors may need to request advice, information or assistance from council staff. Under the *Local Government Act 2009* all requests for information or assistance must be made in accordance with the Acceptable Request Guidelines adopted by Council. The Acceptable Request Guidelines for Councillors attached to this report provide guidance about the way Councillors may ask for advice or information and puts reasonable limits on the requests that a Councillor may make. The guidelines also set reasonable timeframes for the provision of information to Councillors. In addition, the guidelines define the staff members to whom Councillors may make requests for information.

#### Recommendation

That Council adopts the Acceptable Request Guidelines for Councillors as attached to this report.

#### Background Information

Council is required to adopt, by resolution, a set of Acceptable Request Guidelines in accordance with the *Local Government Act 2009*. The Acceptable Request Guidelines have been reviewed and updated and have been benchmarked against other Councils. Due to recent Local Government reforms, requests made within the Acceptable Request Guidelines must now be fulfilled within ten business days after the request has been received by the Chief Executive Officer or if not practicable to do so, within 20 business days.

#### Link to Corporate/Operational Plan

5.3.1 Demonstrate open and transparent leadership.

5.3.3 Adhere to the governance framework and public reporting systems.

#### Consultation

Council's Executive Leadership Team (ELT) reviewed and endorsed the draft guidelines in April 2020. Council reviewed and discussed the draft guidelines at a Council Workshop on 5 May 2020.

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## Legal Authority or Implications

Sect 170A Local Government Act 2009

### Requests for assistance or information

- (1) *A councillor may ask a local government employee to provide advice to assist the councillor to carry out his or her responsibilities under this Act.*
- (2) *A councillor may, subject to any limits prescribed under a regulation, ask the chief executive officer to provide information, that the local government has access to, relating to the local government.*

*Example of a limit prescribed under a regulation—*

*A regulation may prescribe the maximum cost to a local government of providing information to a councillor.*

- (3) *If the advice or information requested under subsection (1) or (2) relates to a document, the requirement under subsection (9) to comply with the request includes a requirement to provide a copy of the document.*
- (4) *Subsections (2) and (3) do not apply to information or a document—*
  - (a) that is a record of the conduct tribunal; or*
  - (b) that was a record of a former conduct review body; or*
  - (c) if disclosure of the information or document to the councillor would be contrary to an order of a court or tribunal; or*
  - (d) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.*
- (5) *A request of a councillor under subsection (1) or (2) is of no effect if the request does not comply with the acceptable requests guidelines.*
- (6) *Subsection (5) does not apply to -*
  - (a) the mayor; or*
  - (b) the chairperson of a committee of a local government if the request relates to the role of the chairperson.*
- (7) *The **acceptable requests guidelines** are guidelines, adopted by resolution of the local government, about—*
  - (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under this Act; and*
  - (b) reasonable limits on requests that a councillor may make.*
- (8) *In this section a **local government employee** includes a person prescribed under a regulation.*
- (9) *The chief executive officer must comply with a request made to the chief executive officer under subsection (1) or (2)—*
  - (a) within 10 business days after receiving the request; or*
  - (b) if the chief executive officer reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request.*

*Maximum penalty—20 penalty units.*

- (10) *If the chief executive officer forms the belief mentioned in subsection (9)(b), the chief executive officer must give the councillor notice about the belief and the reasons for the belief within 10 business days after receiving the request.*

- 
- (11) *In this section—*  
**former conduct review body** means a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal under this Act as in force before the commencement of the [Local Government \(Councillor Complaints\) and Other Legislation Amendment Act 2018](#), section 18.

## **Policy Implications**

These guidelines will form part of Council's suite of policies and will be published to Council's website accordingly.

## **Financial and Resource Implications**

N/A

### **Report Prepared By:**

Mrs. Rebecca Stockdale - Senior Governance Officer

### **Report Authorised By:**

Mr. Nick O'Connor - Director Corporate and Community Services

## **Attachments**

1. Acceptable Request Guidelines for Councillors

Policy Type	Statutory
Function	Governance
Policy Owner	Chief Executive Officer
Policy Contact	Senior Governance Officer
Review Schedule	24 months
Resolution No.	<a href="#">Enter Resolution Number</a>

## 1. Purpose

These acceptable request guidelines are adopted by resolution of the council, in accordance with Section 170A of the *Local Government Act 2009* (the Act) to provide clear guidance for:

- the acceptable manner in which a Councillor may ask local government employee for advice to help the councillor carry out his or her responsibilities under the Act; and
- reasonable limits on requests that a councillor may make; and
- define the staff members to whom councillors may make requests for information.

## 2. Scope

This policy applies to Burdekin Shire Council Councillors and employees.

## 3. Exceptions

These guidelines do not apply to applications made by Councillors under the *Right to Information Act 2009* (RTI applications).

## 4. Definitions

**'Advice'** relates to the transfer of knowledge or an opinion held by a Council officer but does not include provision of documents or access to documents in Council's possession.

**'Information'** includes documents or records held by Council in printed or electronic form

**'Personal information'** has the meaning defined in the *Information Privacy Act 2009*.

**'Public Interest Disclosure'** has the meaning as defined in the *Public Interest Disclosure Act 2009*

**'Staff member'** includes all local government employees, contractors, volunteers and all others who perform work on behalf of Council.

## 5. Principles

Requests for advice or information under these guidelines must comply with the principles that guide decision making by councillors and council employees stated in section 4 of the *Local Government Act 2009* as:

- transparent and effective processes, and decision-making in the public interest; and

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Number](#)

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- sustainable development and management of assets and infrastructure, and delivery of effective services; and
- democratic representation, social inclusion and meaningful community engagement; and
- good governance of, and by, local government; and
- ethical and legal behaviour of councillors and local government employees.

## 6. Guidelines

### 6.1 Requests for Advice

Councillors are encouraged to make all requests for advice in writing (including via email).

Acceptable request from Councillors for advice or assistance (per section 170A(1) of the Act) are only to be submitted to a relevant officer listed below:

- a) the CEO or one of the Directors; or
- b) where appropriate, to the relevant manager; or
- c) the Senior Governance Officer; or
- d) a support officer within the office of the Mayor and CEO.

Councillors should consider the resources required to provide advice and ensure that a request for advice does not substantially and unreasonably divert the resources of the council from the performance of its functions.

Where the cost or resources involved in providing the advice is likely to be high, the councillor may make the request only to the chief executive officer, who is expressly authorised by the council under these guidelines to seek to minimise the costs of providing the advice.

Councillors receiving advice under these guidelines must take care to:

- a) avoid release of personal information in breach of the *Information Privacy Act 2009*
- b) avoid breaching section 171 of the *Local Government Act 2009* (Use of Information by Councillors) or section 171A of the *Local Government Act* (Prohibited Conduct by Councillor in possession of inside information).

### 6.2 Routine Operational Requests

A request for assistance about routine operational matters – for example the location of a meeting, or lodgement of a customer service request – is not a request for advice under section 170A of the Act and these guidelines do not apply to that request.

Councillors are encouraged to raise routine operational matters through the Customer Service Centre.

### 6.3 Mayor and Chairpersons

Section 170A (6) of the Act provides that these reasonable request guidelines do not apply to the mayor, or the chairperson of a committee who makes a request for advice about his or her role as chairperson. To facilitate efficient provision of service by council staff members the mayor and chairpersons are encouraged to comply with these guidelines.

#### 6.4 Staff Member Attendance at Meetings

Any councillor may request the chief executive officer, relevant director or relevant SLG member to arrange for a council staff member to attend a meeting with a member of the public. Such a request is not a request for advice under section 170A of the Act.

#### 6.5 Interaction between Councillors and Staff Members

Interaction between councillors and council staff members must, at all times, be carried out in a professional and courteous manner.

#### 6.6 Other Approved Staff Members

Other approved staff members responding to a councillor's request for advice must ensure that their relevant Executive Leadership Team (ELT) member is informed of the making of, and response to, all significant councillor requests.

If a staff member believes that the cost of actioning a councillor request will be high, the request must be brought to the attention of the chief executive officer prior to being actioned. Council staff members must advise the chief executive officer as soon as practical of any requests from a councillor that do not comply with these guidelines.

#### 6.7 Acceptable timeframes

Acceptable requests made in accordance with this guideline shall be responded to within 10 business days of the request or if this is not practicable, then within 20 business days after receiving the request. Where further investigation, research or consideration is required to provide an accurate response to a request, the CEO must make contact with the Councillor to advise an expected timeframe for a response. Where a response may take a considerable time, it is expected that regular updates be provided to the Councillor/s.

#### 6.8 Councillor Obligations

Councillors including the mayor are reminded of their obligations under section 170 of the Act which states:

- 1) *The mayor may give a direction to the chief executive officer.*
- 2) *However, a direction under subsection (1) must not be inconsistent with a resolution, or a document adopted by resolution, of the local government.*
- 3) *No councillor, including the mayor, may give a direction to any other local government employee.*
- 4) *The chief executive officer must-*
  - a) *Keep a record of each direction given to the chief executive officer; and*
  - b) *Make available to the local government each direction mention in paragraph (a)*

Councillors must ensure that when making a request for advice that the manner and wording of their request is not capable of being construed as an unlawful direction to the staff member.

*Note- Contravention of subsection (3) is misconduct that could result in disciplinary action being taken against a councillor. See sections 150L(1)(c)(iv), 150AQ and 150 AR.*

### 7. Legislation

*Local Government Act 2009  
Local Government Regulation 2012  
Public Interest Disclosure Act 2010  
Information Privacy Act 2009*

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## 8. Related Documents

Document Title	Description
Code of Conduct for Councillors	N/A
Code of Conduct for Workers	N/A

## 9. Document History

Revision Number	Revision Details	Approved By (Officers Name)	Resolution Number	Date
2.0	Revised Draft	Rebecca Stockdale	N/A	13/03/2019
2.1	Updated Revised Draft	Rebecca Stockdale	N/A	17/05/2019
2.2	Updated Revised Draft	Rebecca Stockdale	N/A	18/10/2019
2.3	ELT Review and Endorsement	Terry Brennan	N/A	22/04/2020

Effective Date: [Enter Resolution Number](#)

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## 5.4.2 Approval for Operation of Cane Railways (Tramways)

### Document Information

<b>Referring Letter No:</b>	N/A
<b>File No:</b>	683 and 700
<b>Name of Applicant:</b>	Wilmar Sugar Australia Limited
<b>Location:</b>	Burdekin Shire
<b>Author and Title:</b>	Mr. Nick O'Connor – Director of Corporate and Community Services

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### Executive Summary

The purpose of this report is to provide for the formal approval of the tramway network (road traverses and crossings) operated by Wilmar Sugar Australia Limited. The current approval expires on 30 June 2020.

### Recommendation

That Council approves the operation of cane railways (tramway traverses and crossings) by Wilmar Sugar Australia Limited as summarised below in accordance with *Subordinate Local Law No 1.7 (Operation of Cane Railways) 2012* subject to the following term and conditions:

#### Cane Railway Infrastructure

Number of Crossings:	146
Number of Roads Crossed:	109
Total Length of Line:	260.02 kilometers

#### Term

The term of the approval is for seven years from 1 July 2020.

#### Conditions

1. The operation of the cane railway must not adversely affect traffic flow or be likely to cause a traffic hazard.
2. The operation of the cane railway must not produce noise emissions or air pollutants which would adversely affect nearby premises used for residential purposes.
3. The design and construction of the cane railway must be safe and appropriate for the nature of its proposed use.

- 
4. The operation of the cane railway must not unreasonably detract from the amenity of the area in which it is proposed the cane railway will operate.
  5. Locomotives and rolling stock must not exceed 20km per hour while crossing a road.

The approval holder must –

6. Take out and maintain public liability insurance covering the approval holder and Council for their respective interests and produce documentary evidence of the insurance as and when demanded by the Council. Such insurance must be for an amount of not less than \$20 Million in respect of all claims arising out of a single event, or such higher amount as the Council may determine from year to year; and
7. Give the Local Government a specified indemnity; and
8. Comply with relevant safety requirements, standards and guidelines; and
9. Properly maintain the cane railway and other railway infrastructure, for example, the maintenance of sidings and pads so as to ensure that water does not pond on through traffic lanes in a manner which may cause a safety hazard; and
10. Ensure that all road crossings are maintained in a manner specified in the approval; and
11. Install traffic control devices at all road crossings as specified in the approval; and
12. Ensure that drainage is constructed so as to ensure that water does not pond adjacent to a siding or road for more than four hours after the cessation of significant rainfall, provided that this condition shall not apply to ponding caused by downstream drainage interference or inaction by others beyond the control of the holder of the approval; and
13. Ensure that the road adjacent to the cane railway is maintained for a distance of not less than two meters from the outer rail on one side to a distance of two meters from the outer rail on the other side; and
14. Carry out maintenance as required so as to ensure that –
  - (i) assets of the Local Government are not damaged or interfered with by the operation of the prescribed activity or any incidental activity; and
  - (ii) culverts, drains and roads are maintained clear of trash and other waste materials; and

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15. If, during the currency of the approval, the Local Government carries out work to upgrade relevant infrastructure of the Local Government—upgrade the infrastructure of the approval holder at the expense of the approval holder so as to maintain optimal interface between the infrastructure of the approval holder and the upgraded infrastructure of the Local Government; and
  16. Ensure that turning, acceleration and deceleration areas and accesses, adjacent to existing asphalt and bitumen roads at sidings, including turnouts which must be asphalt sealed, are designed and constructed in accordance with relevant requirements of the Austroads, Institute Municipal Engineering Association of Queensland Australian Roads Research Board and Main Roads Guides Standards and Specifications; and
  17. Ensure that all signage and equipment of and incidental to the undertaking of the prescribed activity complies with relevant requirements of the Department of Transport and Main Roads Queensland; and
  18. With regard to rolling stock – ensure that all bins have reflectors or reflective material attached on each side; and
  19. Schedule the movement of bins on the cane railway of the approval holder so as to minimise the disruption of peak hour traffic; and
  20. Ensure that a train using the cane railway of the approval holder does not block a road crossing, particularly if, and when, any Queensland Government railway line is in use for the transport of bins; and
  21. Ensure that the undertaking of the prescribed activity is carried out in a manner that ensures the care and safety of all persons; and
  22. If the approval holder changes the method of undertaking the prescribed activity during the currency of the approval—ensure that the safety of persons and property is not compromised and take any action reasonably necessary to remedy the situation; and
  23. Ensure that design plans for maintenance and upgrades scheduled for the following January to December Calendar Year are submitted and approved by Council by 1 November of each preceding calendar year.

## Background Information

Additions and modifications to tramway infrastructure are periodically approved by Council staff as and when they are submitted.

Wilmar Sugar Australia Limited must ensure that the documents and materials outlined in Schedule 1, section 5, clause 3 of *Subordinate Local Law No 1.7 (Operation of Cane Railways) 2012* accompany the application for an approval.

The up to date details of the requested approval are:

Number of Crossings:	146
Number of Roads Crossed:	109
Total Length of Line:	260.02 kilometers

Council charges an annual permit fee based on the above details.

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Under Council's local laws, formal approvals are valid for a period of seven years. Council adopted local laws pertaining to tramways are:

- *Local Law No 1 (Administration) 2012*; and
- *Subordinate Local Law No 1.7 (Operation of Cane Railways) 2012*.

### **Link to Corporate/Operational Plan**

5.3.3 Adhere to the governance framework and public reporting systems

### **Consultation**

Correspondence with Wilmar to request approval and obtain latest infrastructure details.

### **Legal Authority or Implications**

Approval required under *Subordinate Local Law No 1.7 (Operation of Cane Railways) 2012*.

### **Policy Implications**

Nil

### **Financial and Resource Implications**

Nil – revenue from annual permit is normally budgeted.

#### **Report Prepared By:**

Ms. Tamara Bateman – Governance and Property Officer

#### **Report Authorised By:**

Mr. Nick O'Connor – Director Corporate & Community Services

### **Attachments**

1. N/A

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### 5.4.3 Burdekin Academy Incorporated - Management Agreement - Payment of Utilities

#### Document Information

<b>Referring Letter No:</b>	N/A
<b>File No:</b>	638
<b>Name of Applicant:</b>	Burdekin Academy Incorporated
<b>Location:</b>	Burdekin Multi-Purpose Hall, Ayr Showgrounds
<b>Author and Title:</b>	Ms. Tamara Bateman – Governance and Property Officer

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#### Executive Summary

On 8 January 2020 Council entered into a Management Agreement with Burdekin Academy Incorporated over the Burdekin Multi-Purpose Hall at the Ayr Showgrounds. The Management Agreement, amongst other things, requires Burdekin Academy to pay all utility charges, including sewerage charges.

The purpose of this report is to seek Council approval to set the sewerage charges payable by Burdekin Academy Incorporated at a level commensurate with the anticipated use.

#### Recommendation

That:

1. Council sets the sewerage component of annual utility charges for the Management Agreement between Council and the Burdekin Academy Incorporated for the use of the Burdekin Multipurpose Hall at the Ayr Showgrounds at \$1444.25 for the 2019/2020 financial year; and that
2. In setting the sewerage component of the utility charge for the 2019/2020 year as detailed in (1) above, Council acknowledges this figure is commensurate with the charge for four pedestals (less an amount equivalent to a 45% donation on the second and subsequent pedestals) that would have been levied if the parties entered into a Trustee Lease; and that
3. This fee increases annually in line with increases to Council's sewerage charges as approved in subsequent year Revenue Statements.

#### Background Information

The Burdekin Shire Ten Year Sport and Recreation Plan recommends Council facilitates a venue 'swap' between PCYC Boxing at the Burdekin Multi-Purpose Hall and Burdekin Academy Incorporated which operated out of the former National Fitness Centre in Wickham Street, Ayr.

At its 12 November 2019 meeting Council resolved to enter into a five (5) year Trustee Lease with Burdekin Academy Incorporated over the Burdekin Multi-Purpose Hall at the Ayr Showgrounds subject to the usual terms and conditions set by Council and the Department of Natural Resources, Mines and Energy.

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Subsequent discussions with Burdekin Academy Incorporated Incorporated confirmed the club's desire to relocate to the Burdekin Multi-purpose Hall in January 2020. The Academy advised that the time required to complete administrative obligations required to enter into a Trustee Lease would result in the club delaying its relocation and commencement of the 2020 gymnastics season.

To assist the club, it was determined that a Management Agreement would be an appropriate legal instrument to document the terms and conditions of the facility use.

A draft Management Agreement was provided to Burdekin Academy Incorporated for review, with this document duly executed on 8 January 2020.

At its 21 January 2020 meeting, Council endorsed actions undertaken by staff to enter into a Management Agreement on the same terms and conditions as those initially presented to Council at its 12 November 2019 meeting.

Clause 9.2 of the Management Agreement states that Burdekin Academy Incorporated shall pay all applicable utilities charges levied by any authority, body, department, government or instrumentality in a prompt manner as and when the utilities charges fall due.

"Utilities" has been defined in the Management Agreement to include all charges with respect to electricity, telecommunications, water, sewerage, rubbish collection, fire service charges and the like which are payable by Burdekin Academy Incorporated when due.

Recently the Burdekin Academy Incorporated has contacted Council seeking clarification on the quantum of utility charges, in particular the value of the annual sewerage charge, given the hall has 17 pedestals.

Under a standard Trustee Lease arrangement – as originally agreed to by Council at its 12 November 2019 meeting and in accordance with Council's adopted Revenue Statement the relevant sewerage charge based on 2019/2020 figures would be:

$$17 \times \$545.00 = \$9,265.00$$

Further, Subsection (b) of Council's Revenue Statement 2019/2020 states that:

*"For each financial year donations equivalent to 45% of the sum of the relevant sewerage charges in respect of second and subsequent pedestals and/or urinals at premises or land used for private schools, churches, welfare and youth organisations, sporting purposes and public halls, excluding premises licensed under the Liquor Act 1992 will be made to the relevant community organisations immediately upon payment in full of all levied rates and charges, together with any overdue rates and charges, if any..."*

Under a standard Trustee Lease, Burdekin Academy Incorporated as a Not for Profit Community Organisation may apply to Council for the above standing donation, which would result in the following:

$$17 \times \$545.00 = \$9,265.00$$

$$\text{Less Donation of } 16 \times \$245.25 = \$3,924.00$$

$$\text{Net result for 17 pedestals} = \$5,341.00$$

Based on Council's direction that the terms of the Management Agreement should reflect the same terms and conditions as those initially presented to Council at its 12 November 2019 meeting (under a proposed standard Trustee Lease arrangement), staff advised the Burdekin Academy that they would be liable to pay for 17 pedestals.

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Burdekin Academy Incorporated indicated that the sewerage charges coupled with other utility charges were beyond Burdekin Academy Incorporated capacity to pay, even with a donation in the order of 45% for second and subsequent pedestals as per the Standing Donations Policy in the Council's Revenue Statement.

Burdekin Academy Incorporated has previously indicated that only two of the 17 pedestals would be used, with Council staff estimating a maximum of four pedestals would be required should the Burdekin Academy Incorporated host regional competitions or events at the Burdekin Multi-Purpose Hall.

Options available to Council include:

#### Option One

Set the fee for the sewerage component of the Management Agreement to a figure that reflects the charge for 17 pedestals as detailed Council's 2019/2020 Revenue Statement, less the 45% donation for the second and subsequent pedestals – this reflects the same quantum of charges that the Burdekin Academy Incorporated would be required to pay under a Trustee Lease arrangement. This fee would increase in line with any increases to Council's sewerage charges as approved in subsequent year Revenue Statements.

For the 2019/2020 year the calculation would be as follows:

$$17 \times \$545.00 = \$9,265.00$$

$$\text{Less donation of } \$3,924.00$$

$$= \$5,341.00$$

#### Option Two

Set the fee for the sewerage component of the Management Agreement to a figure that reflects the charge for four pedestals as detailed Council's Revenue Statement, less the 45% donation for the second and subsequent pedestals. This fee would increase in line with any increases to Council's sewerage charges as approved in subsequent year Revenue Statements.

For the 2019/2020 year the calculation would be as follows:

$$4 \times \$545.00 = \$2,180.00$$

$$\text{Less donation of } \$735.75$$

$$= \$1,444.25$$

#### Option Three

Set the fee for the sewerage component of the Management Agreement to a figure that reflects the charge for a number of pedestals as determined to be fair and reasonable by Council.

To ensure the strategic sport and recreation outcomes as documented in Council's Sport and Recreation Plan are achieved, it is recommended that Council approves the reduction of sewerage charge from 17 pedestals to four pedestals.



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## **Link to Corporate/Operational Plan**

3.3.1 Encourage increased use of community spaces and facilities.

3.4.2 Support sporting organisations in providing opportunities for physical activity.

## **Consultation**

Council Workshop Meeting – 21 April 2020.

## **Legal Authority or Implications**

Setting this charge would constitute a variation to the Management Agreement, requiring a notation to be placed on the relevant file.

## **Policy Implications**

N/A

## **Financial and Resource Implications**

As detailed in the report.

## **Report Prepared By:**

Ms. Tamara Bateman – Governance and Property Officer

## **Report Authorised By:**

Mr. Nick O'Connor – Director Corporate and Community Services

## **Attachments**

1. N/A

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## 6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

### 6.1 ENVIRONMENTAL AND HEALTH SERVICES

#### 6.1.1 Land Protection Fund - Increase in Future Payments

##### Document Information

Referring Letter No:	N/A
File No:	1719
Name of Applicant:	N/A
Location:	N/A
Author and Title:	Mr. Dan Mulcahy – Manager Environmental and Health Services

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##### Executive Summary

Local Governments have a primary legislative function and responsibility to ensure that invasive plants and animals are managed in their local area. The Department of Agriculture and Fisheries (the Department) supports Local Governments and their local communities through its investment in Invasive Plant and Animal Management Policy, planning, research and regional services.

Under current arrangements, funds are collected as annual payments from Local Governments and deposited into the Land Protection Fund in accordance with the *Biosecurity Act 2014*.

The calculation methodology determining the proportion of contributions paid by local authorities was reviewed in 2017-2018 and again in 2018- 2019.

The new payment model with the latest data has resulted in proposed payments substantially in excess of previous annual payments.

##### Recommendation

That Council notes the current and proposed increase in annual payments into the Land Protection Fund as required by the Department of Agriculture and Fisheries noting that such payments are mandatory in accordance with the *Biosecurity Act 2014*.

##### Background Information

Local Governments have a primary legislative function and responsibility to ensure that invasive plants and animals are managed in their local area. The Department of Agriculture and Fisheries (the Department) supports Local Governments and their local communities through its investment in Invasive Plant and Animal Management Policy, planning, research and regional services. Under current arrangements, funds are collected as annual payments from Local Governments and deposited into the Land Protection Fund in accordance with the *Biosecurity Act 2014*.

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There are four components to the Land Protection Fund:

- Wild Dog Barrier Fence
- Darling Downs-Moreton Rabbit Board
- Plague Pest Contingency Fund
- On-ground and Research.

The Burdekin Shire Council only contributes to the On-ground and Research component.

The On-ground and Research component enables the Department to undertake invasive plant and animal management research, strategic invasive plant and animal control and local and regional technical services that support Local Governments in the delivery of the invasive plant and animal management functions.

The calculation methodology determining the proportion of contributions paid into the On-ground and Research component of the Land Protection Fund was first reviewed in 2017-2018 by the Statewide Oversight Group (SOG), a committee comprised of ten Local Government representatives. The results of this review and a new calculation methodology were published in the report; Land Protection Fund Review: On-ground and Research Component.

Local Government feedback was sought on this new calculation methodology and Ministerial approval for the new calculation methodology was provided on 5 July 2018. At this stage the Statewide Oversight Group had also agreed on a staged introduction of the revised methodology over three years with the first transition year being 2018-2019.

Council Officers reviewed the Report and made a decision to make no comment based on the following reasons:

1. The draft report and new methodology is the result of an extensive review process and reflects the input received from Local Government stakeholders and a Statewide Oversight Group.
2. The methodology has not been reviewed since 1994.
3. Under the new methodology, Burdekin Shire Council's contribution would be \$39,000 in 2020-2021 compared to \$34,000 under the old contribution method. Whitsunday's same contributions go from \$57,000 to \$74,000. However, a few of the other regional councils such as Charters Towers and Hinchinbrook decrease.
4. It would appear that "General Rates" now have a higher weighting in the new methodology than previously. An additional change was the introduction of a maximum capping per capita.
5. Council staff do not have the expertise to successfully argue the validity or otherwise of the new methodology proposed.
6. A review of the methodology is certainly warranted given the time frame and it could be concluded that the new methodology and results are not unreasonable. The current calculation methodology for the On-ground and Research component of the Land Protection Fund was implemented in 2000-2001 based on agricultural production statistics and revenue (General Rates and Grants) for each Council prior to 2000-2001. The total amount collected each financial year for this component remains the same (approximately \$3 million) with a correction for Consumer Price Index each year.

Following Ministerial approval of the new methodology, Departmental Officers requested that the consultant re-run the model utilising latest financial year data, as well as the most recent agriculture and employment data provided in the 2016 Agricultural Census, which was released in 2018.

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Re-running the model resulted in substantial changes to some forward payments for the On-ground and Research component for some Local Governments that were significantly different to those quoted in the report. As a result of this, a decision was made by the Department, in conjunction with the Local Government Association of Queensland (LGAQ), to delay the transition of the new methodology to the 2019-2020 financial year to allow for appropriate consultation with Local Government.

The Council's contribution to the On-ground and Research component for 2018-2019 was \$33,342.00. Under the new methodology and latest financial year data, the Council's contribution to the On-ground and Research component for the next three years changed to:

- 2019-2020 - \$55,744
- 2020-2021 - \$78,882
- 2021-2022 - \$102,762

Advice was sought from the LGAQ in relation to this matter and their advice was as follows:

- If Councils have significant concerns with the proposed figures, that they write to Biosecurity Queensland expressing their concerns.
- Any concerns should also be raised with the LGAQ and the SOG representatives.
- Once we (LGAQ) have an idea on what the level of concern is, we can bring it back to the SOG to have a look at and perhaps reconsider the methodology in light of these concerns.
- It is within the SOG's power to make the recommendation to the Minister on how councils wish to proceed with this.

#### Resolution 9 April 2019

Council at its meeting held on 9 April 2019 considered the above matters and resolved as follows:

*That Council correspond with the General Manager, Invasive Plants and Animals, Biosecurity Queensland and the Local Government Association of Queensland advising of its significant concerns in relation to the new calculation of the On-ground and Research contribution component of the Land Protection Fund and the lack of consultation with Local Government considering the significant differences between the proposed contribution and the latest proposed contribution.*

Following the above action, the Department advised by letter dated 3 May 2019 that the Council's feedback together with other Council's feedback will form the basis of another review by the State Oversight Group (SOG).

Council has now received correspondence dated 13 February 2020 from the Department advising that the SOG had reviewed feedback from Local Governments and agreed that the proposed new payments would still apply.

This would appear to be the end of the review process.

### **Link to Corporate/Operational Plan**

5.3.2 Ensure Council's financial position is effectively managed.

5.3.3 Adhere to the governance framework and public reporting systems.

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## **Consultation**

Feedback sought from LGAQ representative.

## **Legal Authority or Implications**

Funds are collected as annual payments from Local Governments and deposited into the Land Protection Fund in accordance with the *Biosecurity Act 2014*.

## **Policy Implications**

N/A

## **Financial and Resource Implications**

Council budgets for the annual payment to the Land Protection Fund each year. The 2019-2020 budget allocation was \$55,750.

Future contributions based on the new calculation methodology are listed below.

- 2020-2021 - \$78,882
- 2021-2022 - \$102,762

## **Report Prepared By:**

Mr. Dan Mulcahy – Manager Environmental and Health Services

## **Report Authorised By:**

Mr. Nick Wellwood – Director Infrastructure, Planning and Environmental Services

## **Attachments**

N/A

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## **6.2 OPERATIONS**

## **6.3 PLANNING AND DEVELOPMENT**

## **6.4 TECHNICAL SERVICES**

## **7 NOTICE OF MOTION**

## **8 RECEIPT OF PETITIONS**

## **9 CORRESPONDENCE FOR INFORMATION**

## **10 GENERAL BUSINESS**

## **11 CLOSED BUSINESS ITEMS**

### **11.1 Confidential Report - Sale of Land - Rates Arrears**

## **12 DELEGATIONS**

