



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 12 May 2020

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 12 MAY 2020

ORDER OF BUSINESS:

ITEM	PRECIS	PAGE
1	PRAYER	3
2	DECLARATIONS OF INTEREST	3
3	MINUTES AND BUSINESS ARISING	3
3.1	Ordinary Council Meeting Minutes - 28 April 2020	3
3.2	Local Disaster Management Group Meeting Minutes - 17 April 2020	4
3.3	RADF Advisory Group Meeting Minutes - 23 April 2020	4
4	EXECUTIVE	4
4.1	CEO	4
4.2	ECONOMIC DEVELOPMENT	4
5	CORPORATE AND COMMUNITY SERVICES	4
5.1	CLIENT SERVICES	4
5.2	COMMUNITY DEVELOPMENT	4
5.3	FINANCIAL AND ADMINISTRATIVE SERVICES	5
5.3.1	COVID-19 Financial Considerations	5
5.4	GOVERNANCE	5
5.4.1	Acceptable Request Guidelines for Councillors	5
5.4.2	Approval for Operation of Cane Railways (Tramways)	6
5.4.3	Burdekin Academy Incorporated - Management Agreement - Payment of Utilities	9
6	INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES	10
6.1	ENVIRONMENTAL AND HEALTH SERVICES	10
6.1.1	Land Protection Fund - Increase in Future Payments	10
6.2	OPERATIONS	10



Burdekin Shire Council

6.3	PLANNING AND DEVELOPMENT	10
6.4	TECHNICAL SERVICES	10
7	NOTICE OF MOTION	11
8	RECEIPT OF PETITIONS	11
9	CORRESPONDENCE FOR INFORMATION	11
10	GENERAL BUSINESS	11
11	CLOSED BUSINESS ITEMS	11
11.1	Confidential Report - Sale of Land - Rates Arrears	12
12	DELEGATIONS	12

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. G. Keane – Manager Contracts, Operations (Part)

Mr. D. Mulcahy - Manager Environmental & Health Services (Part)

Mrs. K. Olsen - Manager Financial & Administrative Services (Part)

Minutes Clerk – Ms. G. Biffanti

1 PRAYER

The meeting prayer was delivered by Pastor Peter Holmes of the Australian Christian Church.

9.07am Mr. Keane entered the meeting.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 28 April 2020

Recommendation

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

Resolution

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

CARRIED

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.

Resolution

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

CARRIED

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.

Resolution

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

CARRIED

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

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

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.

Resolution

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

CARRIED

5.4 GOVERNANCE

5.4.1 Acceptable Request Guidelines for Councillors

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.

Resolution

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

CARRIED

9.31am Mr. Mulcahy entered the meeting.

5.4.2 Approval for Operation of Cane Railways (Tramways)

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
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.

Motion

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

Procedural Motion

Moved Councillor Perry, seconded Councillor Bonanno, that the item lay on the table for further discussion at a Council Workshop, prior to the matter being formally considered again at a future Council Ordinary Meeting.

Voting on Motion

FOR: Councillors Perry, Bonanno, Boccalatte, Musumeci

AGAINST: Councillors McLaughlin, Detenon, Furnell

4/3

CARRIED

9.47am Mr. Keane left the meeting.

5.4.3 Burdekin Academy Incorporated - Management Agreement - Payment of Utilities

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.

Resolution

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

CARRIED

6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

6.1 ENVIRONMENTAL AND HEALTH SERVICES

6.1.1 Land Protection Fund - Increase in Future Payments

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*.

Resolution

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

CARRIED

10.00am Mr. Mulcahy left the meeting.

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

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

Resolution

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

275(1)(f) starting or defending legal proceedings involving it

For the purpose of discussing:

1. Cease Sale of Land Proceedings due to Coronavirus (COVID-19) Auction Restrictions – 12 May 2020

CARRIED

10.10am Meeting adjourned for morning tea.

10.40am Meeting resumed.

10.40am Mrs. Olsen entered the meeting.

Council Meeting opened to Public

Resolution

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

CARRIED

11.1 Confidential Report - Sale of Land - Rates Arrears

Background Information

At its Ordinary Council Meeting held on 12 November 2019, Council resolved to commence sale of land proceedings on 25 (twenty-five) properties with rates and charges in arrears of three or more years. Since commencing the sale of land process, nine properties have paid the outstanding balance owing, ceasing sale of land proceedings. However, as at 6 May 2020, 16 (sixteen) properties remain on the sale of land list with the total balance of outstanding revenue exceeding \$278,000.

Council has followed the prescribed schedule for sale of land as outlined in the *Local Government Regulation 2012* and was reviewing all properties on the sale of land list where rates remain unpaid in preparation for sale by auction.

However due to the impact of the Coronavirus (COVID-19) and Federal Government changes around on-site and in-room auctions being restricted until further notice, Council is unable to proceed with the auction process at this time.

Resolution

Moved Councillor Perry, seconded Councillor Boccalatte that:

1. Council cease the current sale of land proceedings due to restrictions preventing on-site and in-room auctions mandated during the current Coronavirus (COVID-19) declared Pandemic; and that
2. Council delegates to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to end the sale procedures (Section 141(3) of the Regulation).

CARRIED

12 DELEGATIONS

There being no further business the meeting closed at 10.45am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 26 May 2020.

MAYOR

