



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 08 September 2020

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 8 SEPTEMBER 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 Infrastructure, Planning and Environmental Services
Mr. D. Cornwell – Manager Community Services (Part)
Mr. D. Mulcahy – Manager Environmental and Health Services (Part)
Mr. S. Great – Manager Planning and Development (Part)
Mrs. K. Olsen – Manager Financial and Administrative Services (Part)
Dr. P. Prayaga – Coordinator Public Health and Environment (Part)
Mr. G. Stockdale – Design Office Coordinator (Part)
Mrs. R. Stockdale – Senior Governance Officer (Part)

Minutes Clerk – Miss. S. Moffat

1 PRAYER

The meeting prayer was delivered by Pastor Sibichan Kaippanlackal of the Catholic Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor McLaughlin declared a Perceived Conflict of Interest in relation to Item 5.2.2 North Queensland Sports Foundation Three-Year Agreement as she is a Life Member of the North Queensland Sports Foundation. Councillor McLaughlin advised of her intention to leave the meeting during this discussion.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 25 August 2020

Recommendation

That the minutes of the Ordinary Council Meeting held on 25 August 2020 be received as a true and correct record.

Resolution

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

CARRIED

3.2 Burdekin Shire Youth Council Minutes - 10 August 2020

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 10 August 2020 be received and adopted.

Resolution

Moved Councillor Musumeci, seconded Councillor Perry that the recommendation be adopted noting the following amendments.

Clause 1 - Mikayla McDonnell – Deputy Youth Mayor (Chair)
Sarah McDonnell – Ayr State High School

CARRIED

9.09am Mr. Cornwell entered the meeting.

3.3 Audit Committee Meeting Minutes - 19 August 2020

Recommendation

That the minutes of the Audit Committee Meeting held on 19 August 2020 be received and adopted.

Resolution

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

CARRIED

4 EXECUTIVE

4.1 CEO

4.1.1 Council Workshops - August 2020

Executive Summary

The Council conducted two workshops during the previous month on 4 and 18 August 2020, with a range of policy and operational issues discussed by Councillors and staff.

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

Recommendation

That the report on the Council workshops held on 4 and 18 August 2020 be received and noted.

Resolution

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

CARRIED

4.2 ECONOMIC DEVELOPMENT

4.2.1 Burdekin Economic Advisory Group

Executive Summary

Burdekin Shire Council has recently approved the establishment of an Economic Advisory Group. Expressions of interest for the group were open from the 29 July 2020 to 14 August 2020. The group was to consist of a maximum of ten (10) representatives from local business, industry and the community. Councillors Max Musumeci and Sue Perry were appointed as Council representatives on the group.

Recommendation

That Council approves the following nominations and appoints members to the Economic Advisory Group:

Paul Giordani, Tracey Martin, Scott Morrison, Jim Fahey, Neil Williams, Eddie Smallwood, Neil Green, James Lewty and Matthew Oar.

Resolution

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

CARRIED

5 CORPORATE AND COMMUNITY SERVICES

5.1 CLIENT SERVICES

5.2 COMMUNITY DEVELOPMENT

5.2.1 Endorsement of the Townsville Area Palliative Care Plan 2020-2024 Nine Directions

Executive Summary

Palliative Care Queensland (PCQ) is seeking Burdekin Shire Council's endorsement relating to the Nine (9) Directions as detailed in the *Townsville Area Palliative Care Plan: Situation Analysis 2020* (Attachment 1), which will form the basis for the Townsville Area Palliative Care Plan 2020-2024.

Recommendation

That Council endorse the attached 'Letter of Support' (Attachment 2) for the Townsville Area Palliative Care Plan 2020-2024 Nine Directions, to improve delivery of palliative care to the Shire and that a representative be nominated to participate on the Townsville Area Palliative Care Plan 2020-2024 Working Group ('TAPCPWG').

Resolution

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

CARRIED

5.2.1.1 Nomination of Representative to Participate on the Townsville Area Palliative Care Plan 2020-2024 Working Group

Resolution

Moved Councillor Perry, seconded Councillor Detenon that Councillor Furnell be nominated as Council's representative on the Townsville Area Palliative Care Plan 2020-2024 Working Group.

CARRIED

5.2.2 North Queensland Sports Foundation Three-Year Agreement

9.21 am Councillor McLaughlin left the meeting at the commencement of this discussion as she had declared a Perceived Conflict of Interest in relation to Item 5.2.2 North Queensland Sports Foundation Three-Year Agreement as she is a Life Member of the North Queensland Sports Foundation.

The Deputy Mayor, Councillor Perry assumed the chair.

Executive Summary

The North Queensland Sports Foundation ('NQSF') provides North Queensland communities with the opportunity to promote and enhance sport and its associated social and economic benefits to the region. The North Queensland Games bring significant economic and competitive benefit and recognition to our emerging and established sport talent. Council has a long-standing membership with this organisation.

The purpose of this report is to seek Council's endorsement for a three-year agreement with the North Queensland Sports Foundation.

Recommendation

That Council endorse a three-year agreement with the North Queensland Sports Foundation with a total cost of \$13,561.29 and that Council allocate \$4,387.49 for the cost of the first year of the agreement.

Resolution

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

CARRIED

9.23am Mrs. Stockdale entered the meeting.

9.26am Councillor McLaughlin returned to the meeting and assumed the chair.

5.3 FINANCIAL AND ADMINISTRATIVE SERVICES

5.4 GOVERNANCE

5.4.1 Advisory Committee Structure Review

Executive Summary

Council has a number of Advisory Committees that contribute to Council's decision-making and community engagement processes. Advisory Committees can be a useful means to bring together people with expertise and experience for the purpose of providing meaningful feedback and advice to Council regarding initiatives, projects and policies. A review of Council's Advisory Committee Structure was included as an activity within Council's adopted 2019/2020 Operational Plan. The report attached outlines the approach taken to carry out the review and details the relevant findings.

Recommendation

It is recommended that Council:

1. Conduct a regular advisory committee structure review within the first year of the Council term following each local government election to ensure the structure supports the needs identified by Council and the community;
2. Adopt the proposed Advisory Committee Structure in Appendix B of the attached report;
3. Agree to the implementation of a standardised Committee Charter Template for all advisory committees and groups over the course of a 12-month period;
4. Agree that all Advisory Committee Documents be presented to Council for formal adoption upon their review annually;
5. Agree to the implementation of standardised Agenda and Minute templates for all advisory committees;
6. Agree to the implementation of an updated Meeting Minutes Report Template for the presentation of committee minutes to Council;
7. Agree that training be provided to all support officers on the use of the newly developed template documents;

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8. Agree that the roles of support officers be better defined in the charter for each advisory committee;
 9. Agree that each committee conduct an annual self-assessment of their performance;
 10. Agree that each committee charter include details about the timeliness of preparation and presentation of committee meeting minutes to Council;
 11. Agree that relevant advisory committees will be routinely asked for feedback on major projects, programs, initiatives and strategies;
 12. Agree that each charter will detail the composition of membership and eligibility requirements for members;
 13. Agree that each charter document will outline a recruitment process and method;
 14. Agree that each committee charter document will include details of the induction process to be provided to new members;
 15. Agree that each committee charter include provisions relating to meeting attendance with a standard clause that three consecutive unexplained absences will result in automatic removal from the relevant committee;
 16. Agree that each committee charter detail the term of appointment or tenure of each serving member;
 17. Agree that all committee charters include a standard clause that recognises the Mayor as an ex officio member.

Resolution

Moved Councillor Furnell, seconded Councillor Perry that the recommendation be adopted noting the following amendments:

Appendix A:

- Amend the table to note the establishment of the Regional Arts Development Fund (RADF) Committee is a 'Condition of State Funding'
- Amend the attendance of Mayor to the Youth Council Committee to 'regularly' as opposed to 'sometimes'

CARRIED

9.38am Mr. Cornwell left the meeting.

5.4.2 Declaration of Gifts Benefits and Prizes Policy

Executive Summary

From time-to-time, Councillors and Council employees may, in the course of fulfilling their official duties, be offered gifts, benefits or prizes. It is important for Council to establish and maintain an appropriate standard for the identification and declaration of gifts, benefits and prizes to ensure transparency, impartiality and good decision-making is maintained. There are some circumstances

where accepting a gift, benefit or prize offered in the course of performing official duties is reasonable and appropriate. In other circumstances, accepting a gift, benefit or prize may give rise to an actual or perceived conflict of interest. The revised Declaration of Gifts, Benefits and Prizes Policy details the circumstances where gifts, benefits and prizes should be refused or may be accepted, and also outlines the relevant disposal and utilisation options available. This policy replaces the previous *Receipt of Gifts, Benefits and Prizes Policy*.

Recommendation

That Council adopt the Declaration of Gifts, Benefits and Prizes Policy as attached to this report.

Resolution

Moved Councillor Perry, seconded Councillor Detenon that the recommendation be adopted noting the following amendments:

Scope:

- Remove the sentence 'Due consideration should be given to whether or not the gift, benefit or prize has been offered in the course of the Councillor'.

Principles:

- Point One – Include the wording 'reasonably be foreseen to' so as to read:
'No gift or benefit should be accepted that could reasonably be foreseen to influence, or be perceived to influence, a Councillor or Council employee in the performance of their public and professional duties - now or in the future'

Surrender, Disposal and Utilization of gifts and prizes:

- Point Two – Include the wording 'all Council staff' so as to read:
'donate to social club to be raffled or given away through random name draw that applies to all Council staff'

CARRIED

9.39am Mr. Mulcahy and Dr. Prayaga entered the meeting.

5.4.3 Revised Public Interest Disclosure Policy

Executive Summary

In accordance with the *Public Interest Disclosure Act 2010* ('PID Act'), Council is required to adopt a Public Interest Disclosure Policy ('the Policy'). The Policy details Council's commitment to dealing appropriately with disclosures made in accordance with the *PID Act*. The policy has been recently reviewed and updated by Council's Governance Unit to include new sections on Human Rights Considerations, Review Rights, Disclosure to Journalists and Risk Management.

Recommendation

That Council adopts the Public Interest Disclosure Policy as attached to this report.

Resolution

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

CARRIED

9.46am Mrs. Stockdale left the meeting.

6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

6.1 ENVIRONMENTAL AND HEALTH SERVICES

6.1.1 Burdekin Shire Biosecurity Plan 2020-2025

Executive Summary

The Burdekin Shire Biosecurity Plan 2020-2025 ('the Plan') provides a strategic direction for the management of invasive biosecurity matter (plants and animals) in the Burdekin Shire.

The Council previously adopted the Burdekin Shire Biosecurity Plan 2016-2019 on 8 March 2016.

The new Plan builds upon the old plan and will remain current for a period of five (5) years. Preparation of the Plan involved a number of stakeholders including landowners. The Plan includes actions and obligations for all stakeholders as well as Council. Stakeholder and community consultation were a key part of the development of the updated Biosecurity Plan.

Relevant invasive plants and animals have been assessed under a recently introduced Risk Assessment Process promoted by the Local Government Association of Queensland.

Recommendation

That Council adopts the Burdekin Shire Biosecurity Plan 2020-2025.

Resolution

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

CARRIED

6.1.2 Mosquito Management Plan 2020-2025

Executive Summary

The Burdekin Shire Council Mosquito Management Plan 2020-2025 ('the Plan') provides a framework for Council and the community to manage the public health risk from mosquitoes in the Burdekin Shire.

The effective control of mosquitoes in the Burdekin Shire is of considerable importance given their impact on public health in the form of diseases such as Ross River Virus (RRV), Barmah Forest Virus

(BFV) and Dengue Fever Virus (DFV) and the detrimental impact mosquitoes have on our tropical outdoor lifestyle.

Recommendation

That Council adopts the Burdekin Shire Council Mosquito Management Plan 2020-2025.

Resolution

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

CARRIED

10.02am Mr. Stockdale entered the meeting.

10.04am Mr. Great entered the meeting.

10.04am Mr. Mulcahy and Dr. Prayaga left the meeting.

6.2 OPERATIONS

6.3 PLANNING AND DEVELOPMENT

6.3.1 Development Application for a Material Change of Use to Locate a Dwelling House in a Public Purpose Zone at 43 Fifth Avenue Home Hill (Lot 21 on SP117194)

Executive Summary

Council has received a Development Application from Steven Wilson seeking a Development Permit for Material Change of Use to locate a Dwelling House in a Public Purpose Zone at 43 Fifth Avenue, Home Hill (Lot 21 SP117194).

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

Recommendation

That Council approves the Development Application for a Material Change of Use to locate a Dwelling House in a Public Purpose Zone at 43 Fifth Avenue, Home Hill (Lot 21 SP117194) subject to the following conditions:

General

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, except where modified by the conditions of this Development Permit and any approval issued there under.

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

Compliance with conditions

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

Outstanding charges

- 3. All rates and charges (including regulated infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.

Notice of Intention to commence the use

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

Public Utility Services/Damage

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

Building Work

- 6. A development permit for Building Works is to be obtained before any triggered assessable building works are carried out on the premises.

Access

- 7. 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

Drainage

- 8.1 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.
- 8.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

Advice Only;

- *Due to the current location of Council sewerage infrastructure (ie sewer manhole) some areas of the subject lot may not be able to accommodate a gravity fed sewer connection.*

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- *A Development Application for building works which include habitable rooms may have to include a 1% AEP Flood Certificate. N.B. this applies in localised and river flood areas as identified in Burdekin Shire Council's mapping.*

Resolution

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

CARRIED

10.07am Mr. Great left the meeting.

10.08am Councillor Detenon left the meeting.

6.4 TECHNICAL SERVICES

6.4.1 Route Specific Permits - Coastal Townships of the Burdekin Shire

Executive Summary

Queensland Police Service (QPS) have recently been in contact with Council requesting clarification on Council's process allowing Conditionally Register Vehicles (i.e. quad bikes) usage of roads in our coastal townships such as Alva Beach, Wunjunga and Jerona. This has led to a review of the current Route Specific Permit System.

Recommendation

That Council:

1. Reintroduce the Route Specific Permit System to the Jerona Township, with each vehicle requiring a permit to travel the route between the residence where it is kept and the boat ramp only;
2. Does not allow Conditionally Registered Vehicles to be used at Groper Creek.

Resolution

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

CARRIED

10.09am Councillor Detenon returned to the meeting.

10.14am Mr. Stockdale left the meeting.

7 NOTICE OF MOTION

8 RECEIPT OF PETITIONS

9 CORRESPONDENCE FOR INFORMATION

10 GENERAL BUSINESS

10.1 Councillor Perry - Acknowledgement of Former Councillor Goddard - Norm Perry Way

Councillor Perry wished to thank and acknowledge former Councillor Goddard for the 'Norm Perry Way' signs that have been erected in Plantation Park. This initiative was proposed by Councillor Goddard and endorsed by Council in the previous term and has been well received by family.

11 CLOSED BUSINESS ITEMS

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

Resolution

Moved Councillor Bonanno, seconded Councillor Perry 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. Confidential Report - Rates and Charges for Property 1161

CARRIED

10.28am Meeting adjourned for morning tea.

10.50am Meeting resumed.

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 - Rates and Charges for Property 1161

Executive Summary

Council has commenced debt collection proceedings to recover outstanding rates and charges levied on property 1161. The property currently has rates and charges outstanding since the 2018/2019 Annual Levy.

The ratepayer has made several requests to Council seeking an exemption on rates and charges which have been declined. Council has sought legal advice on further legal recovery action required to recover amounts owed to Council.

Recommendation

That Council:

1. Make one final attempt to contact the ratepayer and advise them of Council's proposed legal action if the outstanding rates and charges levied against property number 1161 are not paid in full;
2. If no response is received or the rates and charges are not paid in full, Council proceed with all necessary steps and take further legal action by way of issuing an Enforcement Warrant.

Resolution

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

CARRIED

12 DELEGATIONS

There being no further business the meeting closed at 11.01am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 22 September 2020.

MAYOR

