



# Burdekin Shire Council

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 13 October 2020**

**COMMENCING AT 9:00AM**



# Burdekin Shire Council

TUESDAY 13 OCTOBER 2020

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# Burdekin Shire Council

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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  
Miss. Fiona Smith – Financial Accountant (Part)  
Mr. D. Mulcahy - Manager Environmental and 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 Esava Koro of the Seventh Day Adventist Church.

## **2 DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

Councillor McLaughlin advised she had a Declarable Conflict of Interest in relation to Item 3.3 RADF Advisory Group Meeting Minutes – Section 5 Proposed Projects to expend remaining Council Budget and Works for Queensland Funds as her nephew Karl Vass of Vass Engineering may be a supplier of goods and services to the Council. Councillor McLaughlin advised of her intention to leave the meeting during this discussion.

## **3 MINUTES AND BUSINESS ARISING**

### **3.1 Ordinary Council Meeting Minutes - 22 September 2020**

#### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 22 September be received as a true and correct record.

#### **Resolution**

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

CARRIED

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## **3.2 Audit Committee Meeting Minutes - 16 September 2020**

### **Summary of Recommendations and Actions for Council's Attention and Adoption:**

#### 3.1

That the Audit Committee lay the Asset Management Framework and Asset Management Roadmap on the table and carry over consideration of the outstanding internal audit agreed action items to the February 2021 meeting.

#### 3.1

That all other agreed management updates pertaining to internal audit action items as tabled be accepted.

#### 4

That the Audit Committee commend the Final Financial Statements to the Mayor and Chief Executive Officer (CEO) to be signed.

#### 5

That the Audit Committee accept the Audit Closing Report.

#### 6

That the Audit Committee note the draft Annual Report.

#### 7

That the Audit Committee note the Audit Activity Report and endorse the agreed management actions contained in the Fraud and Corruption Control Internal Audit Report.

#### 8

That the Audit Committee Charter be circulated to Audit Committee Members and tabled at the February 2021 meeting.

#### 9

That the self-assessment survey be forwarded to Audit Committee members and management and that results are collated and reported at the Audit Committee Meeting in February 2021.

### **Recommendation**

That:

1. the minutes of the Audit Committee Meeting held on 16 September be noted, and;
2. the recommendations as detailed in the minutes and summarised in 3.1 to 9 above be adopted.

### **Resolution**

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

CARRIED

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### 3.2.1 Acknowledgement of Staff – Annual Financial Statements

#### Resolution

Moved Councillor Perry, seconded Councillor Detenon that Council place on record its thanks to the Finance Department and all staff involved in the preparation of the Annual Financial Statements and completion of the Annual Audit.

CARRIED

*9.16am Councillor McLaughlin left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 3.3 RADF Advisory Group Meeting Minutes – Section 5 Proposed Projects to expend remaining Council Budget and Works for Queensland Funds as her nephew Karl Vass of Vass Engineering may be a supplier of goods and services to the Council.*

*Councillor Perry assumed the chair.*

### 3.3 RADF Advisory Group Meeting Minutes - 22 September 2020

#### Summary of Recommendations and Actions for Council's Attention and Adoption:

##### Item 3 Nominations for Membership of RADF Advisory Group

That Mr John Woods be appointed to the RADF Advisory Group for the mandatory term of four (4) years.

##### Item 4 RADF Budget of \$50,986 for 2020/21 year

That Council notes the 2020/21 RADF Budget and proposed timing for Round 1 of funding.

##### Item 5 Proposed Projects to expend remaining Council Budget and Works for Queensland Funds

That the following whimsical artworks be installed:

- a) Toilet Block (Version 1) on northern entrance to Brandon (\$712);
- b) Giru Artwork on premises at 16 Carey Street (\$2,881);
- c) Revised concept for premises at 80 Queen Street, Ayr (TBC);
- d) Side wall of premises at 131-133 Edward Street, Ayr (\$3,066);
- e) Side wall of premises at 178 Queen Street, Ayr (\$3,066);  
subject to owner's permission being received.

##### Item 6 Re-allocation of RADF Funds of \$10,000

That RADF funds of \$10,000 originally proposed for "Sculpted by Fire" and Burdekin Cultural Fair be re-allocated to the 2020 Community Christmas Carols.

#### Recommendation

That:

1. the minutes of the RADF Advisory Group Meeting held on 22 September 2020 be noted, and;
2. the recommendations as detailed in the minutes and summarised in 3 to 6 above be adopted.

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## **Resolution**

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

CARRIED

*9.19am Councillor McLaughlin returned to the meeting and assumed the chair.*

## **4 EXECUTIVE**

### **4.1 CEO**

#### **4.1.1 Council Workshops - September 2020**

##### **Executive Summary**

The Council conducted two (2) workshops during the previous month on 1 and 15 September 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 1 and 15 September 2020 be received and noted.

##### **Resolution**

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

CARRIED

#### **4.1.2 Appointment of Acting Chief Executive Officer**

##### **Executive Summary**

The Chief Executive Officer (CEO) will be taking a period of annual leave from Friday, 23 October 2020 to Monday, 2 November 2020. During the absence of the CEO on leave, the Council should appoint an Acting CEO. It is proposed that the Director Corporate and Community Services, Mr. Nick O'Connor, be appointed Acting CEO for this period.

##### **Recommendation**

That the Director Corporate and Community Services, Mr. Nick O'Connor, be appointed Acting CEO from Friday, 23 October 2020 to Monday, 2 November 2020, during the absence of the CEO on annual leave.

##### **Resolution**

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

CARRIED

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9.22am Ms. Smith entered the meeting.

## **4.2 ECONOMIC DEVELOPMENT**

## **5 CORPORATE AND COMMUNITY SERVICES**

### **5.1 CLIENT SERVICES**

### **5.2 COMMUNITY DEVELOPMENT**

#### **5.2.1 Adoption of Revised Public Access to Computers and Internet at Shire Libraries Policy**

##### **Executive Summary**

Council provides public access computers and internet access as a service at both the Council Libraries. Computer and internet access are necessary services to fulfill the information education, recreation and cultural needs of the patrons of the Libraries. Council first adopted -the Policy for Public Access to the Internet at Shire Libraries in 1997. It was updated and adopted in 2017 to provide a formally endorsed framework for computer, internet and WIFI services provided at the Shire Libraries. It has now been reviewed and updated with minor amendments.

##### **Recommendation**

That Council adopts the Public Access to Computers and Internet at Shire Libraries Policy as attached to this report.

##### **Resolution**

Moved Councillor Detenon, seconded Councillor Furnell that the recommendation be adopted, subject to minor administrative changes being made to ensure consistency of terminology regarding 'Burdekin Library Service'.

CARRIED

#### **5.2.2 Library Collection Development Policy Report**

##### **Executive Summary**

The Library Collection Development Policy provides a formally endorsed framework for the development and maintenance of Council's Public Library Collections. Council adopted a policy for Public Library Collection Development in 2013. It was updated and adopted in 2018 to ensure the information; educational, recreational and cultural needs of the community are considered and balanced in relation to the limitations of Library space and budget. It has now been reviewed and updated with minor amendments.



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## **Recommendation**

That Council adopts the Library Collection Development Policy as attached to this report.

## **Resolution**

Moved Councillor Musumeci, seconded Councillor Perry that the recommendation be adopted, subject to minor administrative changes being made to ensure consistency of terminology regarding 'Burdekin Library Service'.

CARRIED

## **5.3 FINANCIAL AND ADMINISTRATIVE SERVICES**

### **5.3.1 First Revised Budget Report 2020 - 2021**

#### **Executive Summary**

In accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*, Council may, by resolution, amend the budget for a financial year at any time before the end of the financial year. As required by the regulation, Council has completed a budget revision for 2020/2021 and the next two (2) financial years.

Management has completed a review of the 2020/2021 budget based on results to the end of August and estimated transactions for the remainder of the financial year. The first amended budget includes capital carryover projects and funding.

An amended budget for the 2020/2021 financial year is submitted for adoption.

## **Recommendation**

That the amended budget and report for the period ending 30 June 2021 as tabled be adopted.

## **Resolution**

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

CARRIED

*9.42am Ms. Smith left the meeting.*

*9.44am Mr. Mulcahy entered the meeting.*

## **5.4 GOVERNANCE**

### **5.4.1 Audit Committee Charter 2021 Report**

#### **Executive Summary**

The *Local Government Act 2009* requires Council to establish an Audit Committee. The Audit Committee serves in an advisory capacity to provide independent assurance regarding the integrity of Council's financial documents, the internal audit function and risk management framework.

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The Audit Committee has recently conducted a review of their charter, in line with recent recommendations from Council's Advisory Committee Structure Review. Only minor amendments to the charter have been proposed, changing the term "decision-making" to "making of recommendations" to reflect the advisory nature of the committee. The Charter is now presented to Council for formal adoption.

### **Recommendation**

That Council adopts the revised Audit Committee Charter 2021 as attached to this report.

### **Resolution**

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

CARRIED

## **5.4.2 Annual Report 2019/2020**

### **Executive Summary**

Under the *Local Government Regulation 2012* Council is required to prepare an Annual Report for each financial year. The 2019/2020 Annual Report has been compiled to fairly represent Council's achievements throughout the financial year that contribute to meeting the strategic intents outlined in the adopted Burdekin Shire Council Corporate Plan 2017-2022. The report also displays all required statutory information in a logical, sequential manner making this information easier to locate in the final report.

The Annual Report also includes the General-Purpose Financial Statements, the current year Financial Sustainability Statement, the Long-Term Financial Sustainability Statement and a Community Financial Report which all demonstrate Council's stable financial position.

### **Recommendation**

That Council adopts the Annual Report 2019/2020 as per the attachment.

### **Resolution**

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

CARRIED

## **5.4.3 Acknowledgement of Staff – Annual Report 2019/2020**

Council noted the excellent work undertaken by Corporate Governance and Media Staff in preparing of the Annual Report 2019/2020.

## **6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES**

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## **6.1 ENVIRONMENTAL AND HEALTH SERVICES**

### **6.1.1 Reef Guardian Council Action Plan 2017- 2024**

#### **Executive Summary**

Council is committed to protecting the Great Barrier Reef through its partnership with the Great Barrier Reef Marine Park Authority (GBRMPA) Reef Guardian Council Program. It is a requirement of the program that Council develop a Reef Guardian Action Plan.

#### **Recommendation**

That Council adopt the Burdekin Shire Council Reef Guardian Council Action Plan 2017-2024.

#### **Resolution**

Moved Councillor Perry, seconded Councillor Boccalatte that the recommendation be adopted, noting the relevant period for the Reef Guardian Council Action Plan is 2020-2024 and not 2017-2024.

CARRIED

*9.53am Mr. Mulcahy left the meeting.*

## **6.2 OPERATIONS**

*9.55am Mr. Great entered the meeting.*

## **6.3 PLANNING AND DEVELOPMENT**

### **6.3.1 TBSC/20/015 - Burdekin Theatre Refurbishment**

#### **Executive Summary**

Replacement and maintenance of the Burdekin Theatre roof has been identified as a major capital works project to be carried out during the 2020/2021 financial year.

Section 224(3) of the *Local Government Regulation 2012* requires Council to invite written tenders for large-sized contractual arrangements that is expected to be worth, exclusive of GST, \$200,000 or more in a financial year. The Burdekin Theatre roof and cladding refurbishment works are expected to fall within this category. At the closing date for tenders on Monday, 14 September 2020, four (4) tenders were received via VendorPanel.

#### **Recommendation**

That Council confirms the action taken by the Chief Executive Officer (CEO) to accept the tender submitted by W & F Constructions Pty Ltd (Option 2 – 90 percent Roof Replacement) for \$433,289.09 (ex. GST) in accordance with their submission received.

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## Resolution

Moved Councillor Detenon, seconded Councillor Boccalatte that the recommendation be adopted.  
FOR: Councillors McLaughlin, Perry, Boccalatte, Detenon, Furnell and Musumeci

AGAINST: Councillor Bonanno

6/1

CARRIED

### **6.3.2 Development Application Material Change of Use for Extractive Industry - Sand Extraction from the Haughton River via Lot 18 on EP31 adjacent to Lot 23 on GS3 and Lot 2 on RP735694**

#### **Executive Summary**

Council has received a Development Application from Extractive Industry Solutions on behalf of their client NQNRH Pty Ltd seeking a development permit for a Material Change of Use for Extractive Industry – Sand Extraction from the Haughton River, off Lyons Road, Giru (Lot 18 on EP31 and adjacent to Lot 23 on GS3 and Lot 2 on RP735694).

The proposal is defined as an Extractive Industry and triggers an 'Impact Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme ('the Scheme'). As the application is Impact Assessable, it was required to be publicly notified for 15 business days.

The application also required referral to the North Queensland State Assessment Referral Agency (NQSARA) having regard to matters of State Significance

#### **Recommendation**

That Council approves the Development Application for a Material Change of Use for an Extractive Industry – Sand Extraction from the Haughton River, off Lyons Road, Giru (Lot 18 on EP31 and adjacent to Lot 23 on GS3 and Lot 2 on RP735694) subject to the following conditions:

#### **General**

- 1.1 The extraction use may operate only between the hours of 6.00am to 6.00pm Monday to Friday and 6.00am to 2.00pm Saturday. There must be no operation on Sundays or public holidays.
- 1.2 Extraction operations will not be allowed between the months of November and April unless otherwise approved by the Chief Executive Officer.
- 1.3 The speed of all vehicles hauling material from the site is limited to a maximum of 40km/h on Lyons Street, Bird Street, Drysdale Street, Carey Street and Barbat Street.

#### **Approved Plans**

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

Document	Prepared by	Date
Planning Report – Houghton River Sand Extraction	Extractive Industry Solutions	26 July 2019

- (b) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written conditions(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**

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

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

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

### **Damage**

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

### **Public Utility Services**

- 6. 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.

### **Drainage**

- 7. 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.

### **Transportation of Sand**

- 8. There must be no release of soil, sand, mud or other contaminants to roads as a result of the transportation of materials from the site to which this approval relates. All material transported from the site must be covered to prevent dust and spillage during transport.

### **Extraction Method**

- 9. The approved extraction amount must be by mechanical means only. There must be no blasting carried out in the operation of the use.

### **Road Traffic Impact – Maintenance**

- 10.1 The applicant must pay Council (on an annual basis) the amount of 31 cents/tonne for ongoing maintenance to affected Council maintained roads for the life of the extraction operations. Once evidence of extraction rates is received by Council via the required Annual Report, the amount payable will be calculated and the developer provided with a tax invoice for payment. Payment

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must be made within 14 days of the tax invoice being issued, or such alternative date as stipulated on the tax invoice.

- 10.2 The design and construction of the proposed access track must meet the following requirements:
- (a) The alignment and level of the track must maintain existing flood immunity for adjoining properties and must not alter the existing flow characteristics of overbank flow in the area.
  - (b) The levels of existing natural or constructed levees in the area must be maintained.
  - (c) The track is to be designed and constructed generally in accordance with the details set out in Section 1.2 of the Alluvium assessment report (August 2020) and must not increase the risk of scouring in the track and surrounding area.
  - (d) A longitudinal section of the track and engineering design details, showing existing natural surface levels, proposed finished surface levels and scour protection elements shall be provided to Council for approval by the Chief Executive Officer prior to the commencement of any works.

### **Limitation on Use**

- 11.1 The Extractive Industry use is limited to a maximum extraction rate of 20,000 cubic metres of material to be removed from the site annually.
- 11.2 The operation must be confined within the boundaries of the authorised operating area delineated on the "Haughton River Sand Deposits Giru Drawing/Haul/Ap19006" Plan and in accordance with the specifications shown on the supporting material lodged. There must be no additional disturbance including extraction, construction of roads or access tracks or vegetation clearing outside the approved extraction area except as allowed for in the conditions of this approval.

### **Annual Report**

- 12.1 An annual survey must be completed to ensure that the volumes of soil and extent of extraction, is not exceeded. The survey must be undertaken by a person having suitable qualifications to undertake survey works and to an accuracy to determine maximum volumes are not exceeded.
- 12.2 An accurate annual report must be provided to Council detailing the exact amount of sand materials which were extracted from the site for the previous year (the Annual Report). This report must be endorsed/signed by the Department of Environment and Science and be strictly in accordance with the issued Allocation of quarry material.
- 12.3 Records must be made and maintained of all loads of soil removed from the site. Records must include volumes of soil and dates of removal. Records must be kept for a period of at least five years and be available to an officer from Burdekin Shire Council, or authorised officer upon request.

### **Operational Works**

13. 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 application, the developer must submit:

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- (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the *Professional Engineers Act 2002* and is a current Registered Professional Engineer of Queensland; 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.

## **Resolution**

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

CARRIED

*10.15am Mr. Great left the meeting.*

## **6.4 TECHNICAL SERVICES**

## **7 NOTICE OF MOTION**

## **8 RECEIPT OF PETITIONS**

## **9 CORRESPONDENCE FOR INFORMATION**

### **9.1 Home Hill Reservoir Project – Hon Stirling Hinchliffe MP – Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs**

The Chief Executive Officer advised Council that as the State Government was not able to allocate any additional funding for the Home Hill Reservoir Project it is proposed to fund the additional amount required for the project from the Water Reserve which has sufficient available funds to meet this need.

## **10 GENERAL BUSINESS**

## **11 CLOSED BUSINESS ITEMS**

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## **12 DELEGATIONS**

There being no further business the meeting closed at 10.40am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 27 October 2020.**

**MAYOR**



