



Burdekin Shire Council

AGENDA

ORDINARY COUNCIL MEETING

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

on 23 February 2021

COMMENCING AT 9:00AM

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Burdekin Shire Council

TUESDAY 23 FEBRUARY 2021

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1 PRAYER

2 DECLARATIONS OF INTEREST

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 9 February 2021

Recommendation

That the minutes of the Ordinary Council Meeting held on 9 February 2021 be received as a true and correct record.



Burdekin Shire Council MINUTES

ORDINARY COUNCIL MEETING

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

on 09 February 2021

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 9 FEBRUARY 2021

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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. S. Great - Manager Planning and Development (Part)
Mr. K. Byers - Manager Technical Services (Part)
Mr. D. Pappalardo – Technical Design Officer (Part)
Mr. R. Eckersley – Technical Officer – Civil (Part)

Minutes Clerk – Miss. M. Price-Wilson

Apologies: Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services

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.

No declarations of interest were identified.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 19 January 2021

Recommendation

That the minutes of the Ordinary Council Meeting held on 19 January 2021 be received as a true and correct record.

Resolution

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

CARRIED

4 EXECUTIVE

4.1 CEO

4.1.1 Proposed Projects - Local Roads and Community Infrastructure Program Phase Two Allocation

Executive Summary

The adoption of the Federal Budget in October 2020 included an allocation of an additional \$1 billion for Phase Two of the Local Roads and Community Infrastructure Program (LRCIP). The Burdekin Shire Council has been allocated an amount of \$859,621.00 under Phase Two of this program.

The Guidelines for Phase Two of the program require that approved projects must be completed by 31 December 2021 in order for Councils to receive their full funding allocations. The selection of projects for submission under the program has been guided by previous discussions on the future Capital Works Program, along with priorities identified in the Giru Community Action Plan and the Watson's Green and Memorial Park, Home Hill Masterplan.

Recommendation

That Council submit the following projects for approval under Phase Two of the Local Roads and Community Infrastructure Program:

- Burdekin Memorial Hall – refurbish front entrance to Hall including replacement of disabled access ramp and steps - \$263,000.00;
- Ninth Avenue, Home Hill – Civil works adjacent to the Memorial Hall including renewal of footpath and kerb and channel, road pavement repairs and drainage works - \$160,000.00;
- Community Tennis Courts, Giru – replace existing Tennis Courts and upgrade for multi-sport use, including replacement of fencing; and
- Watson's Green, Home Hill – extend existing stage and construct Youth Hub incorporating seating and water bubblers - \$136,621.00.

Resolution

Moved Councillor Perry, seconded Councillor Furnell that the recommendation be adopted noting the following amendments to dot point one and dot point three:

- Burdekin Memorial Hall – refurbish front entrance to Hall including installation of a new compliant disabled access ramp and steps - \$263,000.00; and
- Community Tennis Courts, Giru – replace existing Tennis Courts and upgrade for multi-sport use, including replacement of fencing - \$300,000.00.

CARRIED

4.2 ECONOMIC DEVELOPMENT

5 CORPORATE AND COMMUNITY SERVICES

5.1 CLIENT SERVICES

5.1.1 Bullying, Anti-Discrimination and Sexual Harassment Policy

Executive Summary

The report seeks Council consideration of minor proposed changes to the Bullying, Anti-Discrimination and Sexual Harassment Policy. As part of the ongoing policy cycle, staff have undertaken a review and consultation on the proposed changes. The attached revised Policy codifies obligations that Council has under relevant legislation.

Recommendation

That Council adopts the attached Bullying, Anti-Discrimination and Sexual Harassment Policy.

Resolution

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

CARRIED

5.2 COMMUNITY DEVELOPMENT

5.3 FINANCIAL AND ADMINISTRATIVE SERVICES

5.4 GOVERNANCE

5.4.1 Advertising Spending Policy

Executive Summary

Council is required to adopt an Advertising Spending Policy to comply with the *Local Government Regulation 2012*. This policy forms part of Council's Financial Management Systems and provides guidance on appropriate expenditure for advertising by Council.

Recommendation

That Council adopts the Advertising Spending Policy as attached to this report.

Resolution

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

CARRIED

9.18am Mr. Pappalardo entered the meeting.

5.4.2 Q2 Report - Operational Plan 2020/2021

** An updated Q2 Report – Operational Plan 2020/2021 was presented to Council at the meeting and therefore is required in accordance with section 254F of the *Local Government Regulation 2012* to be recorded in the minutes to meet legislation requirements.

Subject Heading: Q2 Report – Operational Plan 2020/2021

File Reference 418

Report Author Mrs. Rebecca Stockdale - Senior Governance Officer

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

Meeting Date 9 February 2021

Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

5.3.3 Adhere to the governance framework and public reporting systems

Executive Summary

The Q2 Report for the Operational Plan 2020/2021 provides a fair representation of Council's performance and activities during the period 1 October 2020 to 31 December 2020 inclusive. The Operational Plan sets out the agreed activities for each section and department across Council and includes measurement statements and targets for each activity. Comments have been provided against each activity to reflect the progress towards achieving the activity within the first quarter.

During the second quarter, Council continues to deal with the ongoing effects from the COVID-19 global pandemic. With no local COVID cases and with the easing of restrictions many operational activities have been able to return to "business as usual" albeit with new COVID-safe measures. However, some supply chains have been disrupted due to the global pandemic delays may have affects on project deadlines. Despite this, Council's performance remains strong with 91% out of a total of 214 activities meeting or above target. A total of 8% of activities are progressing, while 1% are inactive (not yet commenced) and no activities are recorded as being under target.

At the end of the second quarter, activities were represented as:

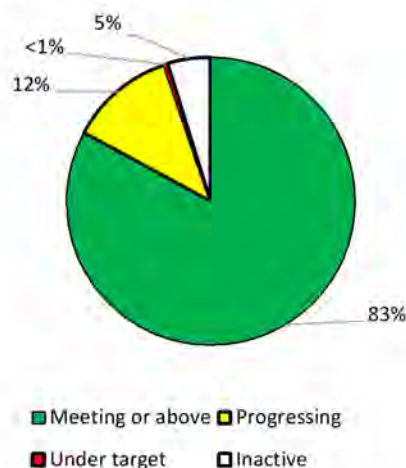
Status	Activities (#)	Activities (%)
Meeting or Above Target	194	91%
Progressing	17	8%
Under Target	0	0%
Inactive	3	1%
TOTAL	214	100%



In comparison to the same quarter last year (Q2 2019/2020), Council has achieved improvements across all targets with the most notable being a 8% increase in activities meeting or above target. This increase was attributed to a decrease in activities progressing, under target and inactive.

At the end of the same quarter last year, activities were represented as:

Status	Activities (#)	Activities (%)
Meeting or Above Target	189	83%
Progressing	27	12%
Under Target	1	<1%
Inactive	11	5%
TOTAL	231	100%



Recommendation

That Council adopts the Q2 Report for the Operational Plan 2020/2021, as attached to this report.

Background

In accordance with section 174 of the *Local Government Regulation 2012*, Council is required to prepare and adopt an annual operational plan for each financial year. The Chief Executive Officer must further provide quarterly written assessments of the local government's progress towards implementing the annual operational plan. A report on the operational plan activities carried out during the second quarter of the 2020/2021 financial year has been prepared for Council.

Consultation

All managers and relevant supervisors were consulted during the process and provided relevant information for the Q2 Report. The Q2 Report was further discussed with Council after the Ordinary Council Meeting held on Tuesday, 2 February 2021.

Budget & Resource Implications

All activities included in the Operational Plan 2020/2021 are to be discharged in accordance with Council's adopted budget.

Legal Authority & Implications

Local Government Regulation 2012 section 174.

174 Preparation and adoption of annual operational plan

- 1) A local government must prepare and adopt an annual operational plan for each financial year.
- 2) The local government may, but need not, adopt the annual operation plan for a financial year at the same time the local government adopts its budget for the financial year.

-
- 3) The chief executive officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.
 - 4) A local government may, by resolution, amend its annual operational plan at any time before the end of the financial year.
 - 5) A local government must discharge its responsibilities in a way that is consistent with its annual operational plan.

Policy Implications

Not Applicable

Risk Implications (Strategic, Operational, Project Risks)

Council applies the adopted Enterprise Risk Management Framework to the delivery of all agreed activities within the Operational Plan. By reporting on the progress towards implementing the Operational Plan on a quarterly basis, Council mitigates the risk of non-compliance with legislation. Unmitigated risks can impact on the achievement of the agreed activities contained within the Operational Plan. By identifying and addressing these risks and treating them appropriately, Council helps to ensure the delivery of the agreed activities as adopted.

Resolution

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

CARRIED

5.4.3 Sublease - Part of GHPL 5/2112 (Hurricane Cliff Repeater Site) - Mr. David John Hartwell and Burdekin Shire Council

Executive Summary

Council approval is requested to consent to entering into the following Sublease:

Sublessor:	Mr. David John Hartwell
Sublessee:	Burdekin Shire Council
Interest:	Grazing Homestead Perpetual Lease 5/2112
Land Description:	Part of Lot 4 on Crown Plan SB687
Location:	"Nevada Station", Nevada Road, Guthalungra, Queensland
Permitted Use:	Meteorological Equipment/Helipad Site
Term:	Ninety-nine (99) Years
Commencement:	1 January 2021
Expiry:	31 December 2119 (Nil Option)

Recommendation

That Council:

1. Endorse the actions undertaken by staff to apply for Ministerial Consent for the proposed Sublease; and
2. Agree to enter into the Sublease with Mr. David John Hartwell commencing 1 January 2021 and expiring 31 December 2119 over part of GHPL 5/2112 (Lot 4 on Crown Plan SB687) subject to, but not limited to, the Prescribed Terms of Particular Subleases framework contained within the *Land Regulation Act 2020 (Qld)* and any other applicable provisions within the *Land Act 1994 (Qld)*.

Resolution

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

CARRIED

9.27am Mr. Great entered the meeting.

6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

6.1 ENVIRONMENTAL AND HEALTH SERVICES

9.29am Mr. Pappalardo left the meeting.

6.2 OPERATIONS

6.3 PLANNING AND DEVELOPMENT

6.3.1 Development Application - Material Change of Use for Taphouse (Licensed Premise) at 29 Spiller Street, Brandon (Lot 3 on RP729521)

Executive Summary

Council has received a Development Application from Delta Iron Works Pty Ltd seeking a Development Permit for Material Change of Use Taphouse (Licensed Premise) at 29 Spiller Street, Brandon (Lot 3 on RP729521).

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

Recommendation

That Council approves the Development Application for a Material Change of Use Tap House (Licensed Premise) at 29 Spiller Street, Brandon (Lot 3 on RP729521) 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 where modified by the conditions of this Development Permit and any approval issued there under.

Document/Title	Job No	DWG No	Issue No
Tony Ferraris Building Design - Preliminary Drawings	TFBD-20006	A02	P5
Tony Ferraris Building Design - Preliminary Drawings	TFBD-20006	A07	P5
Tony Ferraris Building Design - Preliminary Drawings	TFBD-20006	A07	P5

- (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 and Carparking

- 7.1 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 'Tony Ferraris Consulting and Building Design'. (Ref: TFBD – 2006, A07, P5)
- 7.2 Access to the premises, car parking and manoeuvring areas must be constructed of a suitable dust suppressant material to the satisfaction of the Chief Executive Officer.
- 7.3 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.
- 7.4 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.

Amenity - Lighting

8. Any night and outdoor lighting must be designed, conducted and operated in accordance with 'AS 4282 – Control of the obtrusive effects of outdoor lighting'.

Drainage/Stormwater

- 9.1 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 a suitable sized conduit as approved by Council.
- 9.2 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.
- 9.3 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.
- 9.4 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 as part of any Development Permit issued, the developer must, within the timeframes 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: -
 - (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; and
 - (b) a certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice.

Amenity – Screen Fencing

11. The existing 1.8 metre high screen fence must be maintained along the property boundaries. Any changes to the type and design of the existing fence must be submitted and approved by the Chief Executive Officer prior to any new screen fence being constructed.

Landscaping and Screening

12. 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; and
 - location of public infrastructure.

Advice Only

- *A food licence will be required as brewing is defined in the Food Act 2006 as manufacturing.*
- *The activity must be operated in accordance with Council's Waste Management Policy and the Environmental Protection (waste management) Regulation 2000.*
- *There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, roadside gutter or stormwater drain.*
- *Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.*
- *The property is currently connected to Council's Water Supply and Sewerage Infrastructure.*

Resolution

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

CARRIED

9.33am Mr. Byers and Mr. Eckersley entered the meeting.

6.3.2 Development Application - Material Change of Use for Commercial Premise (Bulk Wholesale Goods) at 50 Soper Street, Ayr (Lot 50 on RP748694)

Executive Summary

Council has received a Development Application from EALL Investments Pty Ltd seeking a Development Permit for Material Change of Use for Commercial Premise (Bulk Wholesale Goods) at 50 Soper Street, Ayr (Lot 50 on RP748694).

The proposal is for a defined use (Commercial Premise) and triggers an 'Impact Assessable' Development Application in accordance with the provisions of 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 Commercial Premise (Bulk Wholesale Goods) subject to the following conditions:

General

- 1.1 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 including all drawings/documents, except where modified by the conditions of this Development Permit and any approval issued there under.
- 1.2 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.
- 1.3 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

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

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

Access and Carparking

- 7.1 Parking space and layout must be maintained in accordance with the provisions contained in the supporting material included in the plans submitted with the application.

Amenity - Lighting

8. Any night and outdoor lighting must be designed, conducted, and operated in accordance with 'AS 4282 – Control of the obtrusive effects of outdoor lighting'.

Drainage

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

Amenity – Screen Fencing

10. The existing 1.8 metre high screen fence must be maintained along the property boundaries. Any changes to the type and design of the existing fence must be submitted and approved by the Chief Executive Officer prior to any new screen fence being constructed.

Environment and Health

- 11.1 All activities must be carried out within the confines of the workshop.
- 11.2 Any storage of flammable and/or combustible liquids must comply with the minor storage provision of *Australian Standard AS:1940 The Storage and Handling of Flammable and Combustible Liquids*.
- 11.3 Any hazardous materials (e.g. oil and fuel) must be stored in a covered and bunded area.
- 11.4 Any liquid spills must be cleaned up immediately and disposed of in an appropriate manner that ensures environmental harm does not occur. An appropriate spill kit for the management of wastes and hazardous liquids associated with the activity must be readily available at the site. Anyone operating under this approval must be trained in the use of the spill kit.
- 11.5 The operator must investigate and address all environmental nuisance and/or environmental harm complaints. The following details must be recorded and provided to Council upon request:
 - a) time, date, name and contact details of the complainant;
 - b) reasons for the complaint;
 - c) any investigations undertaken;
 - d) conclusions formed; and
 - e) any actions taken.

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the

results must be submitted to Council within 10 business days. This must be undertaken in accordance with any direction given by Council at the time.

If the results of the assessment indicate, or where it is determined by an authorised person, that environmental nuisance and/or environmental harm is being caused, abatement or control measures must be implemented as recommended by a suitably qualified person and/or Council.

- 11.6 No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental nuisance and/or environmental harm above that expressly provided by this development approval/ environmental authority.
- 11.7 The washing down of the workshop, the cleaning of waste containers or the washing of any other items that generate contaminated water, is not permitted unless the contaminated water is directed to an approved wastewater treatment system prior to release.
- 11.8 Regulated wastes are to be removed for disposal by a licenced waste transporter.
- 11.9 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 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

Advice Only

- *The activity must be operated in accordance with Council's Waste Management Policy and the Environmental Protection (waste management) Regulation 2000.*
- *There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, roadside gutter or stormwater drain.*

Resolution

Moved Councillor Musumeci, seconded Councillor Perry that the recommendation be adopted noting the following amendments to Conditions 11.1 and 11.7:

- 11.1 All activities must be carried out within the confines of the premises.
- 11.7 The washing down of the premises, the cleaning of waste containers or the washing of any other items that generate contaminated water, is not permitted unless the contaminated water is directed to an approved wastewater treatment system prior to release.

CARRIED

9.39am Mr. Great left the meeting.

6.4 TECHNICAL SERVICES

6.4.1 Report on Tenders Received for TBSC/20/020 - Conley Street Drainage Upgrade

Executive Summary

Following standard tendering procedures, Council has sourced tenders for the construction of TBSC/20/020 – Conley Street Drainage Upgrade. Four tenders were received, and the recommended tenderer was assessed by the project team using a multi-criteria weighting.

The project includes the construction of underground drainage infrastructure in Conley Street, Ayr and Cox Street, Ayr to increase the capacity and efficiency of the existing underground drainage system. This is to reduce the risk of property inundation within the area during tropical monsoon rainfall events.

Following a successful application process, this project has received \$316,399.00 grant funding from Queensland Reconstruction Authority (QRA) under the Resilience and Risk Reduction Fund, to go towards project funding.

Recommendation

1. Council accepts the lump sum tender of \$438,526.20 excluding GST from Aqua Project Solutions Pty Ltd as the highest scoring tender received for TBSC/20/020 based on multi-criteria scoring and ranking.
2. Council approves the increased total budget for the project of \$588,000.00, which include an additional Capital Budget of \$118,000.00 including culvert procurement, service relocations and contingency.

Resolution

Moved Councillor Furnell, seconded Councillor Detenon that the recommendation be adopted noting amendments to Item two:

2. Council approves the increased total budget for the project of \$588,000.00, which includes an additional Capital Budget of \$118,000.00 including culvert procurement, service relocations and contingency with costs to be offset from savings achieved within other approved Capital Road Works Projects that have been completed.

CARRIED

9.44am Mr. Byers left the meeting.

9.45am Mr. Eckersley left the meeting.

7 NOTICE OF MOTION

8 RECEIPT OF PETITIONS

9 CORRESPONDENCE FOR INFORMATION

10 GENERAL BUSINESS

10.1 Request for Council Support - Attendance of Mayor McLaughlin - Townsville Enterprise Limited - Canberra Delegation - 22 to 25 February 2021

Resolution

Moved Councillor Furnell, seconded Councillor Bonanno that Mayor McLaughlin be authorised to participate in the Townsville Enterprise Ltd (TEL) Regional Delegation in Canberra from Monday, 22 February 2021 to Thursday, 25 February 2021 and all expenses to participate in the delegation be met by Council.

CARRIED

11 CLOSED BUSINESS ITEMS

Council Meeting closed to Public under *Section 254J of Local Government Regulation 2012*

Resolution

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

254J(e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

For the purpose of discussing:

1. Confidential Report – Sale of Land

CARRIED

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

Executive Summary

To effectively address current rate arrears on some properties, the sale of land process will be necessary to discharge overdue rates and charges. Previous requests for payment have been ignored and outstanding revenue on these properties now exceeds \$329,000.00.

If at any time during the sale of land process outstanding rates, charges and expenses on a property are paid in full, proceedings will cease.

Recommendation

That pursuant to Section 140(2) of the *Local Government Regulation 2012*, Council sell the land described in "Schedule A – List of Properties" for overdue rates and charges;

And that 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* to effect sale of the land or end the sale procedures if appropriate (Section 141(3) of the Regulation).

Schedule A – List of Properties

Property No.	Legal Description	Amount Outstanding as at 9 February 2021
193	Lot 22 SB 707	\$15,865.80
1585	Lot 72 H 6167	\$14,224.26
3889	Lot 1 RP 712249	\$25,993.98
4303	Lot 2 RP 731945	\$24,284.22
4611	Lot 1 RP 707155	\$38,975.96
5029	Lot 4 RP 711846	\$15,528.47
5163	Lot 1 RP 738068	\$48,212.07
5322	Lot 7 RP 709699 Lot 8 RP 709699	\$20,157.53
5347	Lot 11 RP 709699	\$26,623.49
6638	Lot 87 RP 702309	\$16,639.55
6960	Lot 1 RP714083 Lot 1 RP716437 Lot 1 RP718319	\$16,411.96
6996	Lot 25 RP 733771	\$12,063.36
7425	Lot 26 GS 168	\$13,211.77
7960	Lot 4 RP 709053 Lot 3 RP 709053	\$20,531.31
8215	Lot 3 RP 730405	\$19,739.01

Resolution

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

CARRIED

12 DELEGATIONS

There being no further business the meeting closed at 10.01am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 23 February 2021.

MAYOR

3.2 Local Disaster Management Group Meeting Minutes - 22 January 2021

Recommendation

That the minutes of the Local Disaster Management Group Meeting held on 22 January 2021 be received as a true and correct record.

Local Disaster Management Group Meeting

Held on 22 January 2021 at 12.02 pm
Council Administration Building – John Drysdale Chambers

1. Attendance		
Core Members – John Drysdale Chambers		
Councillor Lyn McLaughlin	Mayor - Chairperson	Burdekin Shire Council
Mrs. Eileen Devescovi	Local Disaster Coordinator	Burdekin Shire Council
Ms. Linda Govan	Coordinator Environment and Health Projects	Burdekin Shire Council
Mr. Kevin Byers	Manager Technical Services	Burdekin Shire Council
Ms. Debra Cochran	Welfare – Chief Executive Officer	Burdekin Community Association
Mr. Brett Maguire	Officer in Charge – Ayr	Queensland Ambulance Service
Mr. Andy Pethybridge	Emergency Management Coordinator	Queensland Fire and Emergency Services
Senior Sergeant Steven Barton	Officer in Charge – Ayr	Queensland Police Service
Apologies - Core Members		
Mr. Nick Wellwood	Director Infrastructure, Planning and Environmental Services	Burdekin Shire Council
Mr. Steven Knight	Area Commander of Southern Command	Queensland Fire and Emergency Services
Mr. John Winn	Local Controller	State Emergency Services
Advisors – John Drysdale Chambers		
Mrs. Tracey Hobbs	Service Coordinator – Rural Health	Burdekin Community Association
Ms. Rebecca Grogan	Housing and Community Support Services Coordinator	Burdekin Community Association
Mr. Terry Brennan	Chief Executive Officer	Burdekin Shire Council
Mr. Nick O'Connor	Director Corporate and Community Services	Burdekin Shire Council
Mr. Brad Hutchinson	Safety and Productivity Coordinator	Burdekin Shire Council
Mrs. Sharon Galeano	Senior Advisor	Department of Communities, Housing and Digital Economy
Ms. Coralie Tinus	Service Centre Manager	Department of Human Services (Centrelink Ayr)
Mrs. Colleen Harris	Representative	Energy Queensland
Ms. Temiah Henaway (Phone)	Representative	GIVIT
Mr. Greg Vincett	Station Officer	Queensland Fire Services
Ms. Kristy Beavington (Phone)	Representative	Queensland Reconstruction Authority
Mrs. Paulette Brosnan	Assistant Manager – Home Hill	Regis
Mr. Travis Richards	General Manager of Operations	Sunwater
Mr. Charlie Scuderi	Radio Announcer	Sweet FM - Radio 97.1
Mr. John Tait	Cane Supply Manager – Inkerman	Wilmar
Apologies - Advisors		
Mr. Dale Last	Member for Burdekin	Burdekin Electorate Office
Mr. Nathan Toll	Media and Communications Officer	Burdekin Shire Council
Mrs. Janai Giddy	Deputy Disaster Management Officer	Burdekin Shire Council
Ms. Jo Beadle	Queensland Manager	Givit
Mr. George Christensen	Member of Dawson	Member of Parliament
Ms. Miranda Angell	Representative	Regis Aged Care
Mr. Vince Papale	Representative	Volunteer Marine Rescue - Burdekin

Minutes Clerk – Ms. G. Biffanti

2. Minutes Received

MINUTES OF THE BURDEKIN SHIRE LOCAL DISASTER MANAGEMENT GROUP MEETING HELD ON 20 NOVEMBER 2020.

- 2.1 Moved Senior Sergeant Steve Barton, seconded Mr. Andy Pethybridge that the minutes of the Burdekin Shire Local Disaster Management Group Meeting held on Friday 20 November 2020 be received as a true and correct record, noting the correction of Item 5.7.1 GPS System should be UPS System.

CARRIED

3. Business Arising out of Minutes

NIL

4. Extraordinary LDMG Minutes Received - Ex-Tropical Cyclone Imogen

MINUTES OF THE EXTRAORDINARY BURDEKIN LOCAL DISASTER MANAGEMENT GROUP MEETING HELD ON 5, 6, 7 AND 11 JANUARY 2021.

- 4.1 Moved Mr. Brett Maguire, seconded Mr. Andy Pethybridge that the minutes of the Extraordinary Burdekin Shire Council Local Disaster Group Meeting held on the 5, 6, 7 and 11 January 2021 for Ex- Tropical Cyclone Imogen be received as a true and correct record.

CARRIED

5. Extraordinary LDMG Minutes Received - Ex-Tropical Cyclone Kimi

MINUTES OF THE EXTRAORDINARY BURDEKIN LOCAL DISASTER MANAGEMENT GROUP MEETING HELD ON 18 AND 19 JANUARY 2021.

- 5.1 Moved Ms. Linda Govan, seconded Mrs. Eileen Devescovi that the minutes of the Extraordinary Burdekin Shire Council Local Disaster Group Meeting held on the 18 and 19 January 2021 for Ex-Tropical Cyclone Kimi be received as true and correct record.

CARRIED

6. Business Arising out of Minutes

NIL

7. Correspondence

- 7.1 All Correspondence regarding Ex- Tropical Cyclone Imogen and Kimi were dealt with by the relevant agencies, no other correspondence received outside of these two events.

8. Agency Report

8.1 Mr. Terry Brennan – Burdekin Shire Council

- Business as usual with Council being ready for any event that may occur.
- Burdekin Dam and River levels are dropping down to normal.

8.2 Mr. Brad Hutchinson – Burdekin Shire Council – Reporting for Mr. John Winn SES

- SES currently on Christmas Break which began in mid-December 2020 and will restart in early February 2021.
- Open Days were held by the different SES areas with good interest by the communities in beginning but interest has dwindled.
- Open Day in Home Hill is yet to be conducted with the hope of more interest by the community to become members.
- Sandbagging was conducted by SES in preparation for the need by the public to the Ex- Tropical Cyclone Imogen and Kimi events with call outs being attended by SES.
- Refer to attached Queensland Fire and Services Report for the SES Updates.
- Mr. Brad Hutchinson acknowledged the absence of Mr. John Winn due to his prior commitment to the 2021 Australian Day Achievement Awards held in Townsville.

Chair McLaughlin announced that she had the list of award recipients from the Burdekin which she will reveal later in the meeting.

8.3 Ms. Debra Cochran - Burdekin Community Association

- Business as usual.

8.4 Mr. Brett Maguire - Queensland Ambulance Service

- Business as usual.

8.5 Mr. Andy Pethybridge - Queensland Fire and Emergency Services

- As per attached Queensland Fire and Emergency Services Report.

8.6 Ms. Temiah Henaway – GIVIT

- Business as usual.

8.7 Ms. Kristy Beavington - Queensland Reconstruction Authority

- Business as usual.

8.8 Mr. Travis Richards – Sunwater

- Business returning to usual.
- Dam Levels are dropping 10 to 12 cm per day with 60cm (45000 megalitres) over the spillway with no significant impact on the catchment withing the coming days.
- New Minister for Water Mr. Glenn Butcher will be touring the area to the view the Burdekin Dam on Thursday, 4 February 2021, giving the opportunity for the new Minister to obtain better knowledge on the Burdekin Dam and the impact it has to the area.

8.9 Mrs. Sharon Galeano - Department of Communities, Housing and Digital Economy

- As per the attached Community Recovery Report.
- Noting the new name as Department of Communities, Housing and Digital Economy (DCHDE).

8.10 Mrs. Paulette Brosnan - Regis Home Hill

- Business as usual.
- Completion of Cyclone Preparedness.

8.11 Mrs. Colleen Harris – Energy Queensland

- As per the attached Emergency Planning and Response Memorandum.

Chair McLaughlin confirmed that there was no local impact from the two events.

8.12 Ms. Rebecca Grogan - Burdekin Community Association

- There was no request for assistance for the Burdekin Region.

8.13 Mrs. Tracey Hobbs – Burdekin Centre for Rural Health, Burdekin Community Association

- Business as usual.

8.14 Ms. Coralie Tinus - Department of Human Services

- Business as usual.

9.15 Mr. John Tait - Wilmar

- Work is continuing at Wilmar Sites.
- New Text Based Advice Warning System for Wilmar employees was used for the first time for Ex-Cyclone Kimi. A review will be conducted to determine the success of new warning system.

9. Local Disaster Coordinator Update

9.1 Refer to the attached Local Disaster Coordinator Report – 22 January 2021.

Mrs. Eileen Devescovi showed 4 short videos which were produced as part of the Get Ready Funding to help Volunteer Emergency Services to promote younger members of the community, to volunteer their time and services. A combined video will be shown at the Burdekin Delta Cinema from 22 January 2021 to the end of April 2021 with the individual videos to be used on the Volunteer Emergency Services own social media platform.

Mrs. Sharon Galeano suggested that this information also be sent to all local schools as another platform to distribute to the younger generation and their families making them aware of the Volunteer Emergency Services and the role they play in the local community, in the hope that interest and awareness will increase membership.

10. Other Business

Chair McLaughlin made aware of the absence of Mr. Warren Francis as he left the Burdekin Shire Council and that his position has been advertised with the closing date 29 January 2021.

Queensland Fire and Rescue Services 2021 Australia Day Achievement Award was held 22 January 2021 in Townsville with congratulation to the following four Burdekin recipients:

- Rosa Frew – Mount Elliot Rural Fire;
- Ben Barbagallo – Rita Island SES;
- Alwyn Land – Rita Island SES; and
- Ashley Ryder – Officer at QFS

Chair McLaughlin sincerely thanked Mrs. Eileen Devescovi, Council Staff and all Agencies in their participation and efforts coming together in the face of the two events Ex- Cyclone Imogen and Kimi.

Local Disaster Management Group Meeting

Held on 22 January 2021 at 12.02 pm
Council Administration Building – John Drysdale Chambers

There being no further business the meeting closed at 12.35pm.

The next meeting will be held on 19 February 2021.

CHAIRPERSON

3.3 Burdekin Economic Development Advisory Group Meeting Minutes - 4 February 2021

File Reference	1224
Report Author	Ms. Eliza Lovell – Economic Development Coordinator
Authoriser	Mr. Terry Brennan – Chief Executive Officer
Meeting Date	23 February 2021

Purpose

This report provides the Minutes of the Economic Development Advisory Group Meeting held on 4 February 2021.

Summary of recommendations and actions for consideration and adoption:

Item 1 – New Member

Council accepts the nomination from Ian Macdonald to join the Economic Development Advisory Group.

Item 2 – Development Application Process

Council reviews the current development application process to see if there are any opportunities to improve the time frames for processing of applications.

Recommendation

That:

1. the minutes of the Economic Development Advisory Group Meeting held on 4 February 2021 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Items 1 and 2 above be adopted.

Attachments

1. Minutes – Economic Development Advisory Group Meeting – 4 February 2021.

Meeting Minutes

Meeting	Economic Development Advisory Group Meeting		
Date	Thursday, 4 February 2021	Time	3:00pm
Attendees	Councillor Max Musumeci, Councillor Sue Perry, Eliza Lovell, Eddie Smallwood, James Lewty, Jim Fahey, Matthew Oar, Melissa Bevilacqua, Neil Williams, Paul Giordani, Tracey Martin,		
Apologies	Neil Green, Scott Morrison		
Chairperson	Jim Fahey		
Minutes Clerk	Melissa Bevilacqua		
Location	Burdekin Shire Council – Ernie Ford Board Room		

Minutes

1. Welcome

a. Apologies

Mr Fahey welcomed members to the meeting of the Economic Development Advisory Group (EDAG) and noted the apologies.

b. Conflicts of Interest

Mr Fahey asked if members had any conflicts of interest to declare. No members disclosed any conflicts of interest regarding the agenda items.

c. Minutes of previous meeting

Mr Fahey advised that the minutes from the meeting held on 3 December 2020 were circulated amongst the group and approved as true and correct. These minutes were adopted by Council on 19 January 2021.

d. Matters arising from previous meeting (Action Table – refer Appendix A)

2. Burdekin Economic Profile – Katrina Houghton .ID

Mr Fahey introduced Katrina Houghton from .ID who presented via webinar on the Burdekin's economic profile using the .ID platform.

Ms Houghton went through a presentation displaying information and data regarding how the Burdekin Shire is currently performing economically and highlighted the impacts from COVID-19. The data represented on the Burdekin Shire indicated that the economy has performed quite well during and post the COVID-19 health crisis and this is common with other areas in regional Queensland. Ms Houghton went into detail on the Australian and Queensland economic impacts of COVID-19.

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It was discussed that the Burdekin's agricultural background has allowed the region to be a lot less vulnerable to the COVID-19 economic impacts than other regions and this is reflected in the economic output figures.

Ms Haughton outlined opportunities for moving forward throughout 2021 should include:

- ensuring our tourism plans are directly targeting domestic tourism;
- ensuring activity centre strategies consider the potential of higher vacancies as businesses exit the market;
- considering infrastructure projects;
- accessing grants;
- looking further into opportunities for remote working (working from home), agriculture, food, local manufacturing, supply chain links, skills development and mental health programs.

Ms Haughton advised that due to COVID-19, businesses have discovered that staff can work remotely from home. There is now an opportunity for regional areas including Burdekin to attract these workers to the area by pitching their liveability strengths such as: close proximity to a regional airport, major hospital, lower cost of living, relaxed lifestyle, lower crime rates, natural attractions etc.

Ms Haughton advised that new data is due to be released soon. Ms Haughton noted important datasets that would be highly relevant for the Burdekin include Gross Regional Product (GRP), Local Employment, Unemployment, Building Approvals and Value Added data.

Mr Fahey confirmed that all the information is available publicly from Council's website, except for the Economic Impact Modelling tool. Ms Haughton also advised that ID staff are available for support to access specific data.

3. Member Priorities

a. Cr. Sue Perry – Biofutures projects

Cr Perry referred to the Economic Development Strategy, Theme 1, which outlines the Burdekin as a smart and innovative agricultural district and action 1.5 which refers to *Council supporting the food product innovation cluster to engage farmers, processors, canegrower groups, Growcom, Townsville Enterprise and key government agencies to create a collaborative and coordinated approach to progressing opportunities to develop a viable Biofutures industry in the Burdekin.*

Cr Perry stated that over the five years that she has been on Council she is aware that Council has met with numerous groups interested in Biofutures projects and provided ongoing support and assistance, however, it still proves quite difficult to get projects off the ground. Ms. Lovell advised that an overview of projects could be provided at the next meeting. Cr Perry also asked members to provide any input, contacts or feedback in regards to Biofutures projects in the Burdekin to Ms. Lovell.

New Action:

Ms Lovell to conduct a presentation on Biofutures projects in the Burdekin at the next meeting.

b. Cr. Max Musumeci – Grain Storage

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Cr. Musumeci referred to the Economic Development Strategy, Theme 1, which outlines the Burdekin as a smart and innovative agricultural district and action 1.5 which refers to *Council working with local producers to support a business case to attract government funding support for the development of additional grain storage infrastructure in the Burdekin.*

Mr. Musumeci provided a brief overview of some of the current issues surrounding grain storage in the Burdekin and advised that there are farmers willing to grow grain, such as soy beans and mung beans, however, the logistics of transporting the grain can be difficult and there is currently limited storage available while waiting on transport. Cr. Musumeci advised that the Burdekin region is ideal for growing grains due to the guaranteed water supply, but the logistics of the transport is not ideal. There is also a trend of farmers looking to establish cooperatives and install silos.

In terms of the food cluster mentioned in the strategy, Ms Lovell stated that she has been working with an officer from the Department of Agriculture and Fisheries (DAF) who had formed a small group of growers that were looking at alternative opportunities to grow crops in rotation to sugar cane. Ms Lovell suggested that DAF could present at a future meeting to provide an overview of current diversification in the shire.

It was noted that it would be ideal for a processing plant to be in the district, however, there would need to be a guaranteed supply of product for investors. There could also be an opportunity for Council to facilitate a grain forum or workshop and invite companies to the Burdekin to present to growers.

New Action:

Ms Lovell to arrange for a Department of Agriculture and Fisheries representative to present at a future meeting to provide an overview of alternative cropping in the region, the opportunities and challenges.

4. Council Projects Update

a. Ayr Industrial Estate – Funding

Ms Lovell updated the group on the progress of the Ayr Industrial Estate project. Council is currently seeking funding from the Government (State or Federal) for \$2.8 million for infrastructure works. Council is currently working on a funding application to submit to the Federal Government Building Better Regions Fund to progress this project. Council has also engaged *The Marketing Factory* to develop a Brand and Marketing Strategy to promote the industrial estate to potential buyers.

b. Investment Prospectus – Eliza Lovell

Ms Lovell advised that Council is currently updating the *Investment Prospectus* document. The document provides an overview of the Burdekin and showcases some small and large businesses as well as investment opportunities in region. It is distributed to investors, developers, Government agencies and also available on Council's website.

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New Action:

Ms Lovell to distribute draft Investment Prospectus to the group for feedback.

c. Investment Film – Eliza Lovell

Ms Lovell showed the current Investment Film which requires updating as some of the content and information is now out of date. Ms Lovell asked the group if they have any feedback or ideas of what could be featured in the new film.

Mr Giordani suggested Wilmar could include a section on their developments in engineering and the increase in their employment in this area.

Ms Martin commented the current film does not highlight the lifestyle in the Burdekin and this could encourage investors and developers to relocate to the region. It was suggested to include footage on the facilities, beaches, shops etc so that investors chose to live in the Burdekin rather than live in Townsville and commute to the Burdekin for work.

New Action:

Include more lifestyle footage and attractions in the next investment film.

d. Visitor Awareness Campaign – Melissa Bevilacqua

Ms Bevilacqua provided an overview on the Visitor Awareness Campaign that Council is undertaking. The Burdekin Tourism Strategy identified that the whilst the visitor economy is not the largest industry, it does play a key role in the Burdekin's economy. It identified a need for Burdekin residents and business owners to understand the importance of the visitor economy and how far the tourism dollar spreads throughout the community.

Ms Bevilacqua displayed some current examples of Visitor Awareness campaigns that have been conducted in other regions.

Cr. Perry commented on a campaign that she had seen from Roma QLD where an ad on television displayed local business owners and staff who all said that they were in tourism which included pharmacy assistants to local service station operators.

Ms Bevilacqua explained that the campaign will include a letter drop to local businesses as well as short videos for social media and print advertisements. Further discussion was held on promotional videos for the Burdekin. Ms Bevilacqua advised that there is budget allocated for marketing the *Visit Burdekin* website in the coming months.

It was suggested that a social media campaign could include videos of a local celebrity ticking off the 101 things to do to showcase the Burdekin. Ms Lovell advised that the promotional tourism videos would not be included as part of this project, however, could be further discussed for future budgets.

Mr Smallwood advised the group that the Gudjuda Reference Group have been working with Channel Seven, SBS (Ernie Dingo show), NITV and various other documentaries. Mr Smallwood was open to

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suggestions of taking people on tours and gathering video footage to be used for future promotional material.

5. General Business

a. Retail Representative (Refer EOI – Ian Macdonald)

Mr Fahey advised that Council has advertised for a retail representative to join the group, however, there were no applications submitted. A letter to the Mayor was received from Mr Ian Macdonald which was circulated to the group. This letter detailed Mr Macdonald's interest in joining the group even though he was not a retail representative. The group all agreed that Mr Macdonald would be a valuable addition to the group.

Recommendation:

Council accepts the nomination from Ian Macdonald to join the Economic Advisory Group.

b. Future Presentations for the group

Ms Lovell advised that there are several companies and projects that could be included as presentations for the group. This would provide members with an overview of projects and developments that are being undertaken in the Burdekin.

Following further discussion, it was agreed to invite *Regis Aged Care* to present to a future meeting to provide an overview of their company and future plans for the Burdekin.

New action:

Invite Regis Aged Care to present at an Economic Development Group meeting.

c. Council development application process

Mr Lewty raised concerns that if Council is endeavouring to attract investment and work with developers, then the development application process should be reviewed to ensure timely processing of applications. Mr Lewty has had personal experience with delays and 'bureaucratic red tape' delaying building approvals which has affected his building projects.

Recommendation:

Council reviews the current development application process to see if there are any opportunities to improve the time frames for processing of applications.

Meeting Closed 5.15pm

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Completed Actions Items

	Action Item	Responsible Officer	Due Date	Status
1	Expand the Burdekin Produce Calendar to include seafood	M. Bevilacqua		Completed – The Burdekin Produce calendar now includes commonly caught seafood from the Burdekin with input from EDAG group member Mr Neil Green. The calendar is currently awaiting printing and distribution.
2	Distribute the Environmental Impacts Study consultation survey from Sunwater to members	E. Lovell		Completed – Ms Lovell distributed the survey to members. Council has made a submission. Ms Lovell has been in communication with Alice from Sunwater and working on the opportunity to engage with the group when further community engagement continues on the project.

Previous Recommendations for Council Consideration

	Recommendation	Update
1	Council corresponds with the Department of Defence to determine if there are any new opportunities for Defence Force Housing in the Burdekin.	Council has approved to correspond with the Department of Defence and a letter is currently being drafted.
2	Council facilitates a meeting between accommodation providers and the local bus company to further discuss the opportunity of providing visitors with a bus service to major events in Townsville	Ms Bevilacqua has initiated meetings with Transnorth and Burdekin accommodation providers where this proposal was discussed. Both parties were willing to discuss the opportunity further. Council officers will facilitate a meeting to progress the initiative.

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Agreed Actions Items – Meeting 04-02-2021

	Action Item	Responsible Officer	Due Date	Status
1	Ms Lovell to conduct a presentation on Biofutures projects in the Burdekin at the next meeting.	E Lovell		
2	Ms Lovell to arrange for a Department of Agriculture and Fisheries representative to present at a future meeting to provide an overview of alternative cropping in the region, the opportunities and challenges.	E Lovell		
3	Ms Lovell to distribute draft Investment Prospectus to group for feedback.	E Lovell		
4	Include more lifestyle footage and attractions in the next investment film.	E Lovell		
5	Invite Regis Aged Care to present at an Economic Development Group meeting.	E Lovell		

Recommendations for Council Consideration – Meeting 04-02-2021

	Recommendation	Minute Item Number
1	Council accepts the nomination from Ian Macdonald to join the Economic Development Advisory Group.	5a
2	Council reviews the current development application process to see if there are any opportunities to improve the time frames for processing of applications.	5c

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4 EXECUTIVE

4.1 CEO

4.1.1 Council Workshop - January 2021

File Reference 1394

Report Author Mr. Terry Brennan - Chief Executive Officer

Authoriser Mr. Terry Brennan - Chief Executive Officer

Meeting Date 23 February 2021

Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

5.3.1 Demonstrate open and transparent leadership

Executive Summary

The Council conducted a single Workshop which was held on 27 January 2021, with a range of policy and operational issues discussed by Councillors and staff.

Recommendation

That the report on the Council Workshop held on 27 January 2021 be received and noted.

Background

The Council has adopted governance arrangements which are based on it holding Council Meetings on a fortnightly basis each month, with the exception of December and January each year. In conjunction with these arrangements it holds Workshops with Councillors on the alternate week to scheduled Council Meetings. As per the meeting arrangements only one Workshop per month is held in December and January each year.

During the past month a Workshop was held on 27 January 2021 covering a range of policy and operational issues. Presentations by external parties also occurred.

A brief summary of the issues discussed at the Council Workshop is outlined below:

27 January 2021

- Discussion on Rural Landholders conducting earthworks in drainage paths;
- Discussion on Burdekin Spray Park Project;
- Review of Advertising Spending Policy;
- Surf Life Saving Qld Contracted Services;
- Heart of Australia – Request to use Ayr Showgrounds;
- Discussion on possible projects – Federal Government's Local Roads and Community Infrastructure (LRCI) Program; and
- Presentation – Burdekin Falls Dam Raising Project.

Consultation

Consultation was undertaken with various parties in the presentation of the Council Workshop topics.

Budget & Resource Implications

Not Applicable.

Legal Authority & Implications

Not Applicable.

Policy Implications

Any policy proposals are subsequently referred to an Ordinary Council Meeting via a report for consideration and if approved, formal adoption.

Risk Implications (Strategic, Operational, Project Risks)

Strategic Risk due to possible reputation damage if policies are not effectively developed with input and support from Councillors.

Attachments

Not Applicable.

4.1.2 Media Policy

File Reference	1362
Report Author	Mr. Nathan Toll – Media and Communications Officer
Authoriser	Mr. Terry Brennan – Chief Executive Officer
Meeting Date	23 February 2021

Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

5.1.2 Be responsive and proactive in providing information in the public interest

5.1.3 Communicate Council intent and decisions to the community using effective messaging tools

Executive Summary

The revised Media Policy will amend the current policy, adopted at the Ordinary Council Meeting on 26 March 2019.

The primary amendments to the policy are the addition of the Risk Management clause in line with Council's revised policy template and recognition of the Chief Executive Officer as the primary spokesperson to the media on administrative or operational matters of Council.

Recommendation

That Council adopts the revised Media Policy as attached.

Background

Council's Media Policy was first adopted in 2015 and aimed to provide guidance to Elected Members and Employees in relation to interactions with media. The policy was revised in 2018 in accordance with its review schedule.

Consultation

The policy was revised by Council's Media and Communications Officer in consultation with the Chief Executive Officer before being discussed at the Council Workshop on 16 February 2021. The Chief Executive Officer, Director Corporate and Community Services and Media and Communications Officer provided advice to Council in relation to the policy.

Budget & Resource Implications

The revised policy identifies an Officer other than the Media and Communications Officer may be nominated as interim media contact in the event the Media and Communications Officer is unavailable, requiring a potential increase to that Officer's workload.

Legal Authority & Implications

Not Applicable.

Policy Implications

The policy will be updated in Council's Policy Register and will be published to Council's website. The policy will replace the existing Media Policy. The policy complements the adopted Social Media Policy.

Risk Implications (Strategic, Operational, Project Risks)

Effective adherence to the outlined Media Policy will ensure the risk to Council of negative or detrimental media coverage is minimal. Council's Operational and Strategic Risk Register provides a detailed classification of risks and controls associated with media and communications.

Attachments

1. Media Policy.

Policy Type	Corporate
Function	Community Relations
Policy Owner	Chief Executive Officer
Policy Contact	Media and Communications Officer
Effective Date	23 February 2021

Purpose

This document sets out Burdekin Shire Council's policy for Elected Members and Council employees when interacting with the media.

Scope

This Policy applies to all Elected Members and Burdekin Shire Council employees.

Policy Statement

To maximise positive editorial coverage of Burdekin Shire Council events, programs, services, decisions and other aspects of operations and policy matters, Council is committed to providing information to the media in a timely, accurate and newsworthy manner.

Media Spokesperson

The following protocol acknowledges the Mayor as the primary spokesperson to the media on major issues and decisions that are made by Council, and the Chief Executive Officer (CEO) as the primary spokesperson to the media on administrative or operational matters of Council.

Public Comment by Elected Members

It is acknowledged that acting in the capacity as the primary spokesperson, the Mayor may be approached by media outlets seeking comments on major issues and announcements relating to the Burdekin. At their discretion, the Mayor may designate the Deputy Mayor as a spokesperson or in special circumstances another Elected Member.

If an Elected Member is approached and the matter is considered to be of a sensitive nature; have a whole-of-Council implication; and/or is yet to be formally considered by Council, they will refer the matter to the Mayor in the first instance.

When considering whether to interact with the media, Elected Members need to be aware of their responsibilities under the *Local Government Act 2009*, in particular: a Councillor must serve the overall public interest of the area.

Further to the above responsibility, Elected Members are to conduct themselves in a way that promotes and maintains the public's trust and confidence in the integrity of the Council; and ensure their actions do not diminish the standing, authority or dignity of the Council.

Therefore, when interacting with the media, Elected Members should also be representatives of their community.

In making comments to the media, any personal views of Elected Members on issues that may be contrary to a Council-adopted position or on matters not yet considered by Council, should be clearly identified as the personal view of the Elected Member.

Elected Members who are contacted by media for comment on Council administrative or operational matters must refer the media representative to the Media and Communications Officer.

Media Enquiries & Interview Requests

Media enquiries and interview requests received by the Media and Communications Officer shall be referred to the Mayor, CEO or other authorised spokesperson for timely determination of the appropriate spokesperson. Once determined, the spokesperson will be provided the necessary support from the Media and Communications Officer. The Media and Communications Officer must be advised of all media enquiries and interview requests received by Council employees and Elected Members.

Role of Chief Executive Officer

The Chief Executive Officer is the chief authorised spokesperson for all administrative and operational issues.

Role of the Media and Communications Officer

The Media and Communications Officer is the liaison point between the media and the organisation and is an authorised spokesperson on matters of fact or clarification only. In the event of the Media and Communications Officer being absent, another Officer may be nominated as an interim media contact for matters of urgency.

Role of Employees

Employees shall not respond directly to media requests except as authorised within this policy. If an employee receives a request or enquiry directly from the media, the employee shall refer the enquiry to the Media and Communications Officer. If the Media and Communications Officer is unavailable and the matter is urgent, the employee shall refer the enquiry in the next instance to the CEO.

No employee (with the exception of the above spokespersons) will participate in media interviews or provide information to the media. The CEO may approve an exception to this policy to provide the media with an alternative spokesperson. When this occurs it will be generally limited to matters where comment relates to a technical matter relevant to the spokesperson's respective department and in keeping with Council policy and resolutions.

This policy does not exclude Council officers authorised as editors of Council's social media platforms from creating posts and/or replying to comments on Council's social media platforms in accordance with the adopted social media policy.

Exceptions

Nil

Objectives

Effective communication with the media is an important component of Burdekin Shire Council's ability to meet its strategic objectives, to promote effective engagement with residents and stakeholders and to advocate for and on behalf of the community.

The aim of public engagement through the media is to communicate and build the Burdekin's reputation and to maximise positive editorial coverage of Burdekin Shire Council events, programs, services, decisions and other aspects of operations and policy matters.

Risk Management

Effective adherence to the outlined Media Policy will ensure the risk to Council of negative or detrimental media coverage is minimal. Council's Operational and Strategic Risk Register provides a detailed classification of risks and controls associated with media and communications.

Legislation

Local Government Act 2009

Definitions and Abbreviations



Employee

includes a direct employee of Council whether employed on a permanent, temporary, full-time, part-time or job share basis.

Media

is all mediums used for communication including, but not exclusive to, television, radio, newspaper, newsletter, magazine, internet, social media (such as blogs, Facebook, Instagram, Twitter, Google+, LinkedIn, YouTube).

Elected Member

includes Mayor, Deputy Mayor and Councillors.

Related Documents

Reference Number	Document Title
ECM 1631521	Code of Conduct for Councillors in Queensland
ECM 10688863	Burdekin Shire Council Code of Conduct for Workers
MED-POL-0004	Social Media Policy

Document History and Version Control

Title of Document	Media Policy
Document Reference Number	MED-POL-0005 Rev 1
Review Schedule	36 months
Council Meeting Date	23 February 2021
Council Resolution Number	

4.1.3 Social Media Policy

File Reference	430
Report Author	Mr. Nathan Toll – Media and Communications Officer
Authoriser	Mr. Terry Brennan – Chief Executive Officer
Meeting Date	23 February 2021

Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

5.1.2 Be responsive and proactive in providing information in the public interest

5.1.3 Communicate Council intent and decisions to the community using effective messaging tools

5.1.4 Improve digital platforms to improve access to information

Executive Summary

The revised Social Media Policy will amend the current policy, adopted at the Ordinary Council Meeting on 26 March 2019.

The primary amendments to the policy are the addition of the Risk Management clause in line with Council's revised policy template, clarification around record keeping processes and identification of applicable legislation.

Recommendation

That Council adopts the revised Social Media Policy as attached.

Background

Council's Social Media Policy was first adopted in 2014 and aimed to provide guidance to Elected Members and Employees in relation to use of social media. The Policy was revised in 2017 and 2019 in accordance with its review schedule.

Consultation

The policy was revised by Council's Media and Communications Officer in consultation with the Chief Executive Officer before being discussed at a Council Workshop on 16 February 2021. The Chief Executive Officer, Director Corporate and Community Services and Media and Communications Officer provided advice to Council in relation to the policy.

Budget & Resource Implications

Not Applicable.

Legal Authority & Implications

Not Applicable.

Policy Implications

The policy will be updated in Council's Policy Register and will be published to Council's website. The policy will replace the existing Social Media Policy. The policy complements the adopted Media Policy.

Risk Implications (Strategic, Operational, Project Risks)

Effective adherence to the outlined Social Media Policy will ensure Council's brand across social media is clear, and negative or detrimental comments are addressed appropriately to minimise reputational risk. Council's Operational and Strategic Risk Register provides a detailed classification of risks and controls associated with media and communications.

Attachments

1. Social Media Policy.

Policy Type	Corporate
Function	Community Relations
Policy Owner	Chief Executive Officer
Policy Contact	Media and Communications Officer
Effective Date	26 March 2019

Purpose

This policy sets out the standards of behaviour expected in relation to professional use of social media platforms on behalf of Burdekin Shire Council ("Council"), and personal use of social media by Council employees and Elected Members. The policy also outlines various legal considerations relating to the various social media platforms in use.

Scope

This policy applies to all employees of Council and Elected Members who use social media platforms either professionally or privately.

Objectives

The objectives of this policy are to:

- develop a culture of openness, trust and integrity in Council through appropriate use of social media tools;
- provide direction on the responsibilities and expectations for:
 - the professional use of social media on behalf of Council; and
 - the personal use of social media by Council employees and Elected Members.

Policy Statement

Council employs various social media platforms to provide information on Council initiatives, public notices, activities, facilities, services, events and programs. Social media is considered an important tool for Council to actively engage with our community, promoting the Burdekin as a vibrant place to live and providing a platform for active discussion and the exchange of ideas.

Council also acknowledges the increasing uptake of the use of social media platforms by employees and Elected Members for both professional and personal use.

Professional Use of Social Media

Council's Social Media Editors will have access to select social media accounts as set out in the *Social Media Better Practice Guidelines*.

Social Media Editors are responsible for publishing to the social media accounts on behalf of Council and have authorisation to respond on behalf of Council to comments and feedback posted on corporate social media pages.

Primary Responsibility for Council Social Media

The Media and Communications Officer is generally responsible for all Council social media accounts across all platforms.

Social Media Administrators

The Media and Communications Officer and Information and Communications Technology Coordinator reserve the right to remain an administrator of any accounts created to ensure risk management measures (including centralised storage of master passwords for each site) to protect Council's reputation are satisfied.

Creation of Council-owned Social Media Accounts

Social media accounts may be created with approval from the CEO (or delegate) in liaison with the Media and Communications Officer.

The Information and Communications Technology Coordinator in consultation with the Media and Communications Officer will be responsible for creating the relevant account.

Access to Council's Social Media Accounts

Employees may not have access to Council's social media accounts and comment on behalf of Council unless they are authorised by the CEO in liaison with the Media and Communications Officer.

Access will be based upon the duties of each position with relevant officers only having access to relevant platforms, in accordance with the *Social Media Better Practice Guidelines*.

Access to Council's social media accounts will be arranged by the Media and Communications Officer and Information and Communications Technology Coordinator.

Ceasing Employment

Where an employee ceases employment with Council, access to Council's social media accounts will be removed within two business days of the relevant employee's last day of employment. The removal of access will be carried out by the Media and Communications Officer except in the instance where the Media and Communications Officer is unable to do so or ceases employment with Council, in which case the removal of access will be carried out by the Information and Communications Technology Coordinator.

General Use of Social Media

Once authorised to comment on behalf of Council the following guidelines must be adhered to:

- only publish content that is classified as public information;
- all content posted is accurate and has been approved by the CEO, a director, a manager, or the Media and Communications Officer;
- all content must not disclose personal confidential or private information;
- all content is evenly distributed and does not over-promote or bias one service, facility, event etc. over others or promote Elected Members, specific employees or projects in a biased manner;
- content is to be posted to the most relevant account (Council, Theatre etc) and platform (website, Facebook, Instagram etc) to limit duplication across Council managed accounts;
- major announcements will only be made by the Media and Communications Officer or by other officers as directed by the CEO;
- comments will be respectful of the community and portray the Council in a positive way;
- the majority of posts and links will be Council-related and connected to a core service of Council, however public interest posts and links can be shared on Council platforms;
- all content will be impartial, apolitical and will not promote Elected Members or specific projects and announcements that have not received approval from Council;
- users must adhere to the terms of use and guidance associated with the relevant social media platform/website. See also Legal Considerations; and
- where possible, social media posts should refer to the equivalent information on Council's website.

Comments and Replies

Comments that are posted by members of the public on Council's social media pages can be of a positive, negative or neutral nature.

Council understands the expectation of immediacy in relation to response times to comment made through social media platforms.

Council's Social Media Editors will be responsible for monitoring comments or posts on Council's social media platforms. Comments that ask a question about Council, or a matter related to Council, should be acknowledged within four hours during standard business hours of 8am-5pm. Depending on the nature of the matter, a response should be coordinated with the relevant Council department and delivered as soon as practicably possible. Where a matter is of a sensitive, private, or confidential nature, the Media and Communications Officer has the discretion to hide the post and/or continue the conversation 'offline'.

Comments received outside of normal business hours will be responded to on the following business day where possible.

During times of disaster or emergency situations, Council will endeavour to respond to comments or questions posed via social media platforms outside of office hours.

When assessing comments the following guidelines must be adhered to:

- comments by the public will be hidden at the discretion of the CEO or the Social Media Editors if they are deemed to be offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, mentions a person by name, infringes copyright, constitutes a contempt of court, breaches a court suppression order or is otherwise unlawful. Other comments that may potentially jeopardise Council's financial, legal or operational capacity will be hidden at the discretion of the CEO or Social Media Editors.
- comments or posts that are not Council-related and not deemed to be a public record can be removed. This includes promotion of commercial services, products or entities.
- any post or comment deemed offensive above but which is classified as a public record under the Crime and Corruption Commission and Queensland State Archives guidelines must be hidden, and not deleted, for the satisfactory management of Council records.

Caretaker Period

In accordance with section 90D of the *Local Government Act 2009* (Qld), during the Caretaker Period, Council-owned social media accounts including, but not limited to Facebook, Twitter, LinkedIn, Instagram and YouTube, will not contain any material that could be construed or interpreted as election material.

Personal Use of Social Media

Personal use of social media during work hours will not be permitted. Employees will only be permitted to access social media during work hours for work purposes with approval from management (eg. to access posts on private pages that make reference to Council or Council activities). Access will be kept brief and must relate to a Council matter or Council business.

Employees will be allowed to access social media during morning tea and lunch breaks using their own devices.

Posting about Council on social media by employees is permitted but care must be taken to minimise the potential damage to be caused (directly or indirectly) to Council's reputation.

When using social media for personal use by employees, the following guidelines must be adhered to with respect to Council information:

- only disclose or discuss publicly available Council information;
- ensure all content is accurate and complies with all relevant Council policies;
- do not imply that you are authorised to speak as a representative of Council or give the impression that the views expressed are those of Council;
- do not use a Council email address or any Council logos or insignia;
- do not use the identity or likeness of another employee, contractor or member of Council;
- do not make comments, use location-based services (e.g. check-in) or post any material that might otherwise cause damage to Council's reputation.

Legal Considerations

General advice is provided to assist employees in complying with obligations set out in this policy. When in doubt, employees are encouraged to seek further guidance or clarifications from the CEO, the Senior Governance Officer or the Media and Communications Officer or refer to the *Employee Code of Conduct*.

The *Information Privacy Act 2009* contains rules, or privacy principles, that govern how Queensland Government agencies collect, store, use and disclose personal information. The *Public Records Act 2002* ensures public records are made, managed, kept and, if appropriate, preserved in a useable form for the benefit of present and future generations, with public access under the Act consistent with the principles of the *Right to Information Act 2009* and *Information Privacy Act 2009*. Social media posts are public records and should be hidden where inappropriate or irrelevant, not deleted. Posts on social media containing election material must comply with the *Local Government Electoral Act 2011* if posted during an election period, regardless of whether they are posted on a personal or official social media platform.

Privacy, Confidentiality and Information Security

Employees should only use personal information obtained in the course of their employment or engagement with Council in a manner consistent with the *Employee Code of Conduct* and the *Information Privacy Act 2009*.

Employees must not publish or report on conversations or information that is deemed confidential or classified or deals with matters that are internal in nature.

Use of Photographs

Photographs Taken at Public Events

Council respects the privacy of individuals and is committed to ensuring that any images published to our social media platforms comply with requirements of the *Information Privacy Act 2009*.

Council will provide a 'collection notice' before or during any community event advising that photos may be taken during an event and used on Council's website or social media platforms. The collection notice may be displayed on Council's website (with promotional material for the event), on the program agenda, on the ticket or receipt, on registration forms or on a sign placed in a visible location at the event itself. The collection notice is intended to make the public generally aware that they may be photographed during an event and that these photos may be published to Council's social media platforms.

Where individuals or groups are photographed face on, where practical, they will be verbally asked to provide permission to be photographed, and to allow Council to use and publish the image/s.

Council will not publish any image of a person where that person has expressly asked for their photograph not to be published. Likewise in instances where a person makes a request to have an image of them or their child or ward removed from Council's social media sites, Council will do so immediately.

Photographs Supplied to Council

Where a photograph is supplied to Council from a third party, Council will endeavour to ensure that written permission has been granted for the photo to be provided to Council and published to Council's website or social media platforms.

Photos submitted to Council for photograph competitions are subject to the terms and conditions of those competitions.

Photographs as Part of Paid Campaigns or at Private Events

Where individuals or groups are photographed as part of a paid campaign, for commercial purposes or at private events, they will be asked to sign a written consent form providing permission to be photographed and to allow Council to use and publish the image/s.

Copyright

Social Media Editors will respect copyright laws and attribute work to the original author/source wherever possible.

Online Conduct of Council Officials

Online activities of Council Officials, including social media posts and comments, are subject to conditions of any relevant Code of Conduct, Council Policy or Operational Standard.

Abusive, harassing, threatening or defamatory postings are in breach of Council's behavioural expectations and may result in disciplinary action being taken.

Workplace bullying and harassment includes any bullying or harassing comments employees make online, including on their own private social networks and when out of office hours.

Defamation

Refrain from posting material that may cause damage to another person, organisation, association or company's reputation and seek further guidance from the Media and Communications Officer if publication of such material is thought to be necessary.

Contempt of Court

Exercise care if referring to pending court proceedings (related to Council) to avoid posting material that may prejudice those proceedings, in particular material that will be part of the evidence in those proceedings.

Employees should make enquiries as to any applicable court suppression orders prior to commenting on any court proceeding (whether past or pending).

Exceptions

Nil.

Risk Management

Effective adherence to the outlined Social Media Policy will ensure Council's brand across social media is clear, and negative or detrimental comments are addressed appropriately to minimise reputational risk. Council's Operational and Strategic Risk Register provides a detailed classification of risks and controls associated with media and communications.

Legislation

Anti-Discrimination Act 1991

Information Privacy Act 2009


Local Government Electoral Act 2011

Public Records Act 2002

Right to Information Act 2009

Work, Health and Safety Act 2011

Definitions and Abbreviations

Confidential Information	includes but is not limited to trade secrets of Council; non-public information about the organisation and affairs of Council such as: pricing information including internal cost and pricing rates, production scheduling software, special supply information; marketing or strategy plans; exclusive supply agreements or arrangements; commercial and business plans; contractual arrangements with third parties; tender policies and arrangements; financial information and data; training materials; technical data; schematics; proposals and intentions; designs; policies and procedure documents; concepts not reduced to material form; information which is personal information for the purpose of privacy law; and all other information obtained from Council or obtained in the course of working or providing services to Council that is by its nature confidential.
Council Official	includes employees, Councillors, agents and contractors (including temporary contractors), administrators appointed under section 124 of the <i>Local Government Act 2009 (QLD)</i> , members of council committees, conduct reviewers, delegates of council, work experience employees and volunteers of the Council.
 Employee	includes a direct employee of Council whether employed on a permanent, temporary, full-time, part-time or job share basis.
Person	includes any natural person, company, partnership, association, trust, business, or other organisation or entity of any description and a person's legal personal representative(s), successors, assigns or substitutes.
Social Media Accounts	refers to the individual account or page created on a social media platform.
Social Media Editors	includes Media and Communications Officer and other delegated officers, as set out in the Social Media Better Practice Guidelines.
Social Networking Site and Social Media Platform	are umbrella terms covering websites, online platforms, technology, applications or tools that enable active and participatory publishing and interactions between individuals over the internet. These include but are not limited to Facebook, Instagram, Twitter, YouTube, LinkedIn, Pinterest, Reddit, Flickr and similar sites.

Related Documents

Reference Number	Document Title
ECM 1068863	Burdekin Shire Council Code of Conduct for Workers
HRS-POL-0001	Bullying, Anti-Discrimination and Harassment Policy
ICT-OSD-0009	Mobile Phone Usage Operational Standard
MED-GDE-0001	Social Media Better Practice Guideline

Document History and Version Control

Title of Document	Social Media Policy
Document Reference Number	MED-POL-0004 Rev 1
Review Schedule	24 months
Council Meeting Date	26 March 2019
Council Resolution Number	Click or tap here to enter text.

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 January 2021

Recommendation

That the Monthly Financial Report for Period Ending 31 January 2021 be received.

Financial Report - January 2021

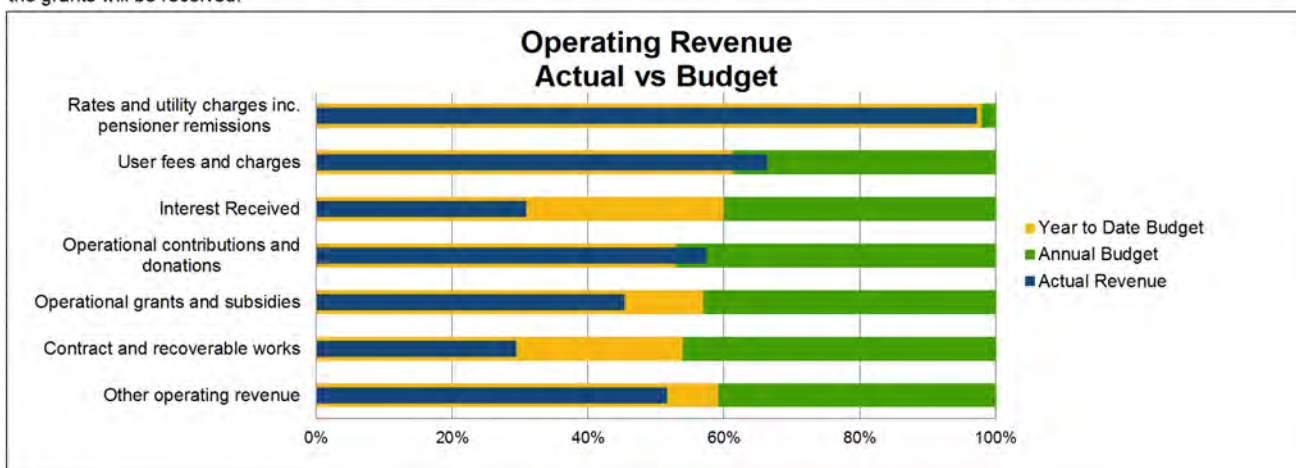
The following report provides a summary of Council's financial performance to 31 January 2021.

FINANCIAL STATEMENTS AT A GLANCE

As at 31 January 2021	Actual \$	Annual Budget \$	YTD Revised Budget \$	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Total Operating Revenue	43,145,182	49,237,833	44,515,670	-1,370,488	-3%
Total Operating Expenses	28,827,914	51,353,859	30,596,965	-1,769,051	-6%
Operating Position	14,317,268	-2,116,026	13,918,705	398,563	3%
Capital Revenue	2,555,183	14,910,925	14,849,999	-12,294,816	-83%
Net Result	16,872,451	12,794,899	28,768,704	-11,896,253	-41%

This report contains financial information for the period ending 31 January 2021. Council's operating position at month end is a \$14.3M surplus.

Capital Revenue includes capital grants which are budgeted to be received in July. The nature of capital grants means that it is often unknown when the grants will be received.

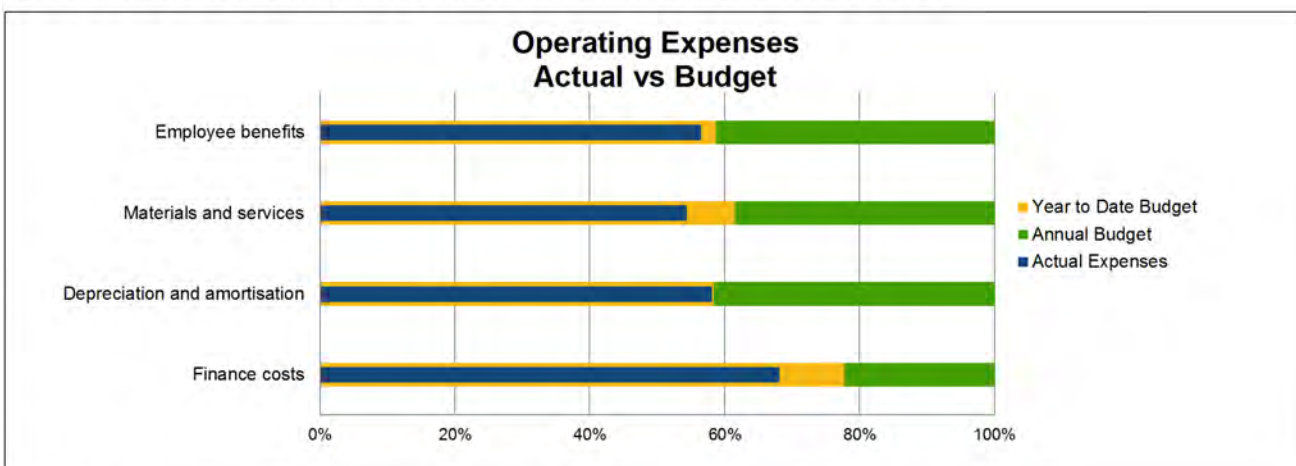


Under Budget:

- Interest Received: ongoing low interest rates.
- Operational grants and subsidies: timing of Disaster Funding Arrangement (DRFA) works.
- Contract and recoverable works: timing of Road Maintenance Performance Contract (RMPC) works.

Over Budget:

- User Fees and Charges: increased waste disposal at Kirknie Landfill.
- Operational contributions and donations: increased developer contributions and septic pumpouts at Groper Creek.



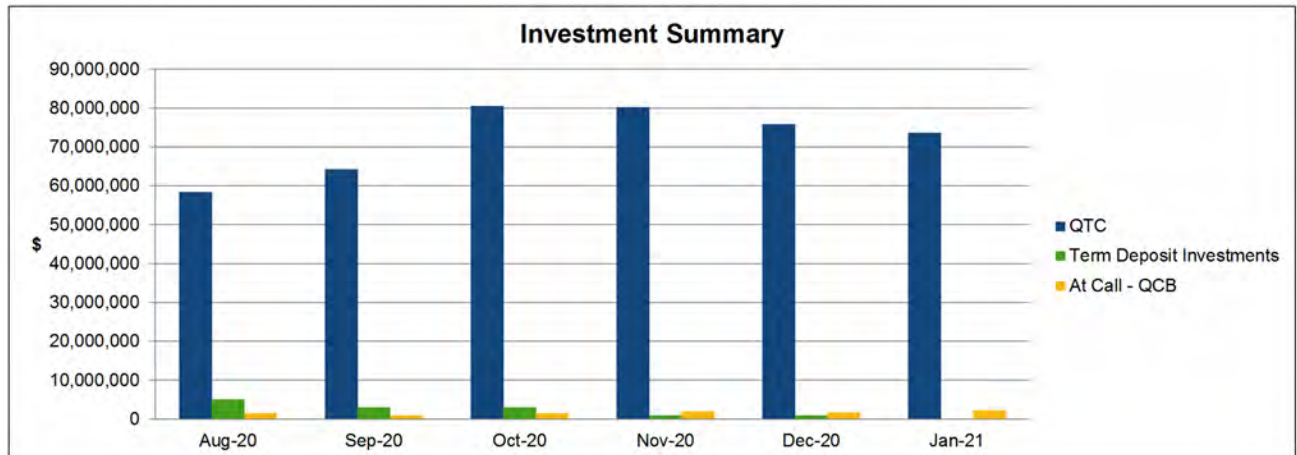
Under Budget:

- Materials and Services: waste collection contract in arrears and reduced use of cultural facilities.
- Finance Costs: reduced bank fees.

INVESTMENT PORTFOLIO

Investment Report as at 31 January 2021 (including at call cash)

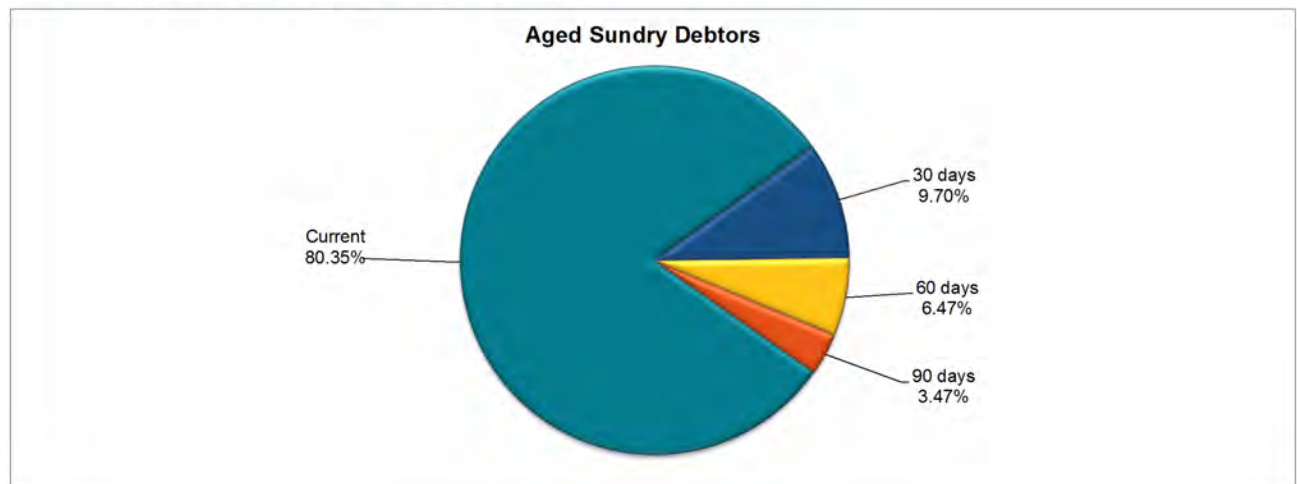
	Total Invested	Average Current Rate Weighted	% Invested
QTC	73,663,605	0.67%	97.05%
QCB General	2,242,415	1.15%	2.95%
Total Funds	\$75,906,020		



The term deposit that matured in January was not reinvested due to the low interest rates available at the time.

SUNDRY DEBTORS

Total outstanding Sundry Debtors as at 31 January are \$343,253

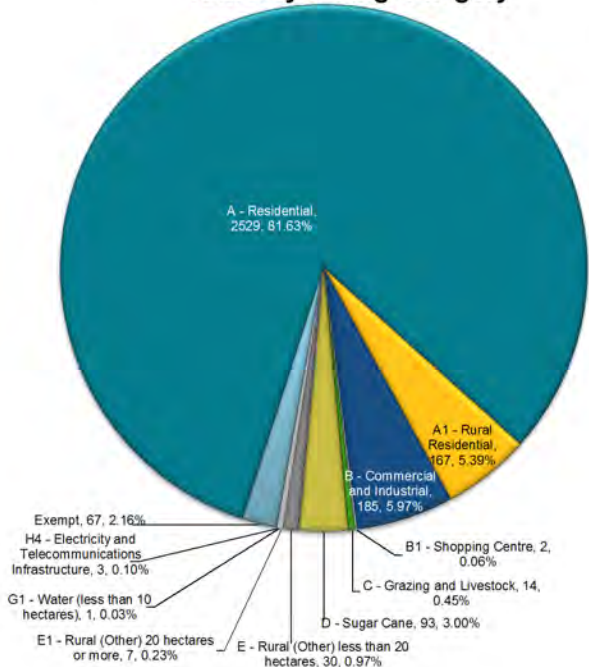


RATES

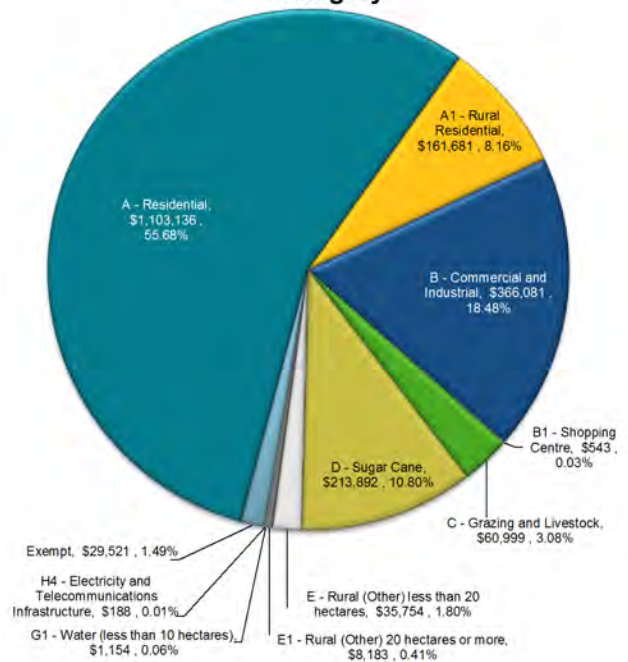
Arrears as at 1 July 2020		\$888,254
Levy and fees raised *	\$42,335,970	
Interest charged *	\$64,555	
Less Pensioner subsidy and rebate	<u>\$661,728</u>	\$41,738,797
Payments received		<u>\$40,642,205</u>
Arrears as at 31 January 2021		<u>\$1,984,846</u>
% Arrears January 2021		4.66%
% Arrears January 2020		5.18%
Pre-payments as at 31 January 2021		\$999,574
Pre-payments as at 31 January 2020		\$899,286

* includes State Govt Emergency Management Levy

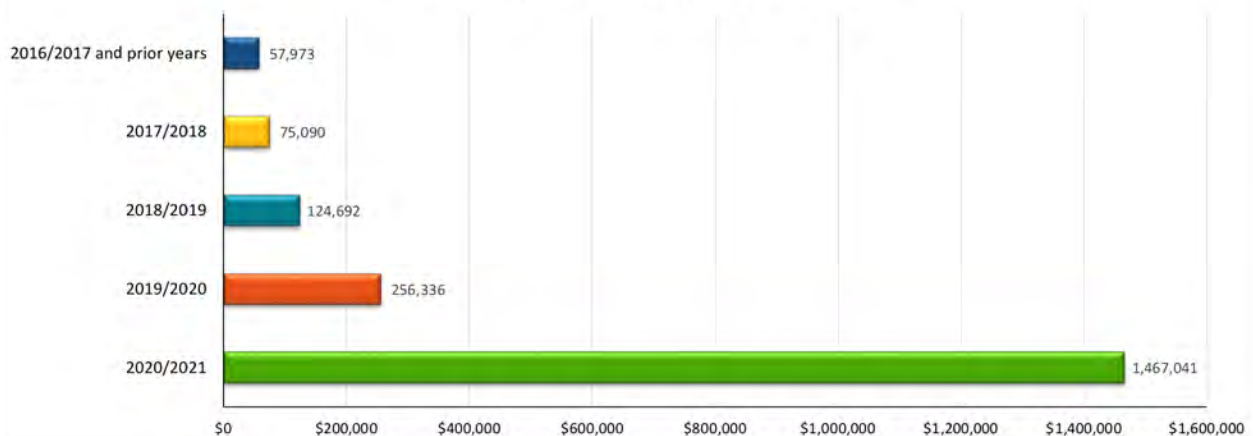
Number of Properties with Outstanding Rates by Rating Category



\$ Value of Outstanding Rates by Rating Category



Total Rates Outstanding by Financial Year



Rates Debt Recovery

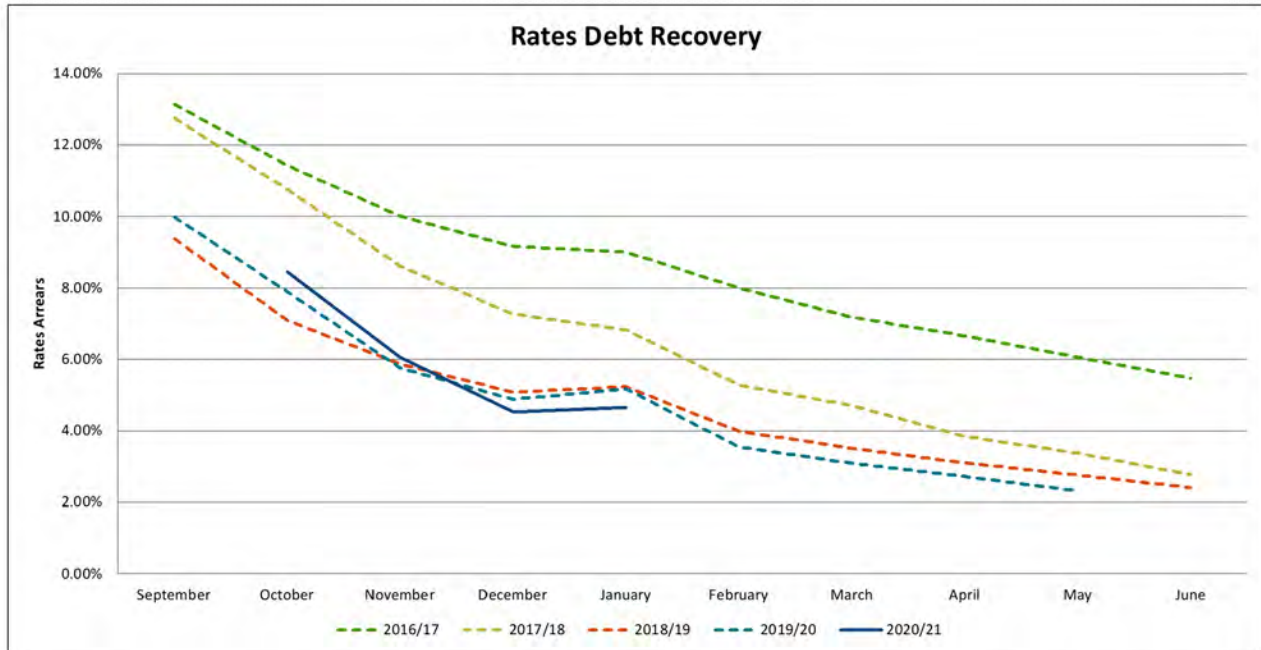
Collection House - Debt Referral

Council currently has 204 active files with Collection House with an outstanding balance of \$697,075.13.

Out of these active files, 70 have negotiated arrangements and are being monitored by Collection House.

Council Periodic Payment Plans

In addition to the properties referred to Collection House, there are 241 current periodic payment plans made directly with Council representing outstanding rates of \$434,525.19. These plans are continuing to be monitored by Rates Staff to ensure conformance.



Water Rate Levies were issued on 15 January 2021, with a due date of 16 February 2021. Therefore, at 31 January 2021, rate arrears were higher than 31 December 2020.

OVERVIEW OF COUNCIL'S CAPITAL PROJECTS

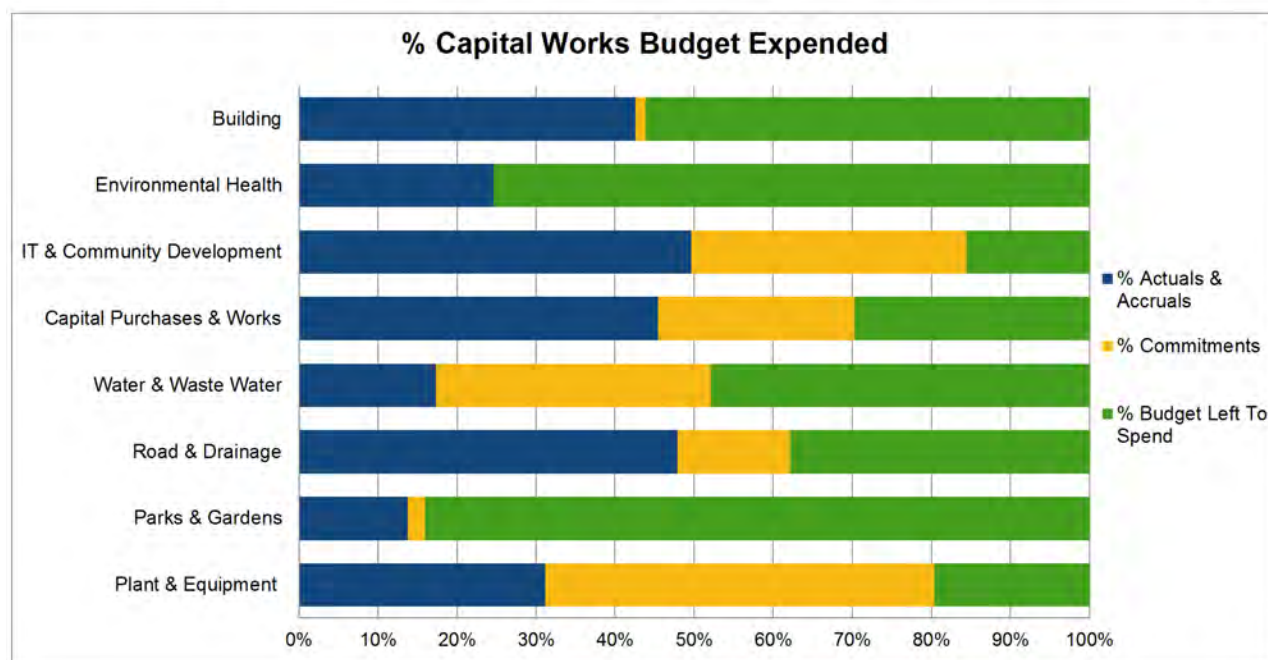
Capital expenditure incurred for the year to 31 January, is shown by asset category in the table below.

Capital project expenditure to 31 January is \$9,424,087. In addition to this, there is \$7,308,631 of commitments. Therefore bringing the total capital expenditure to \$16,732,718.

Financial Overview by Asset Category

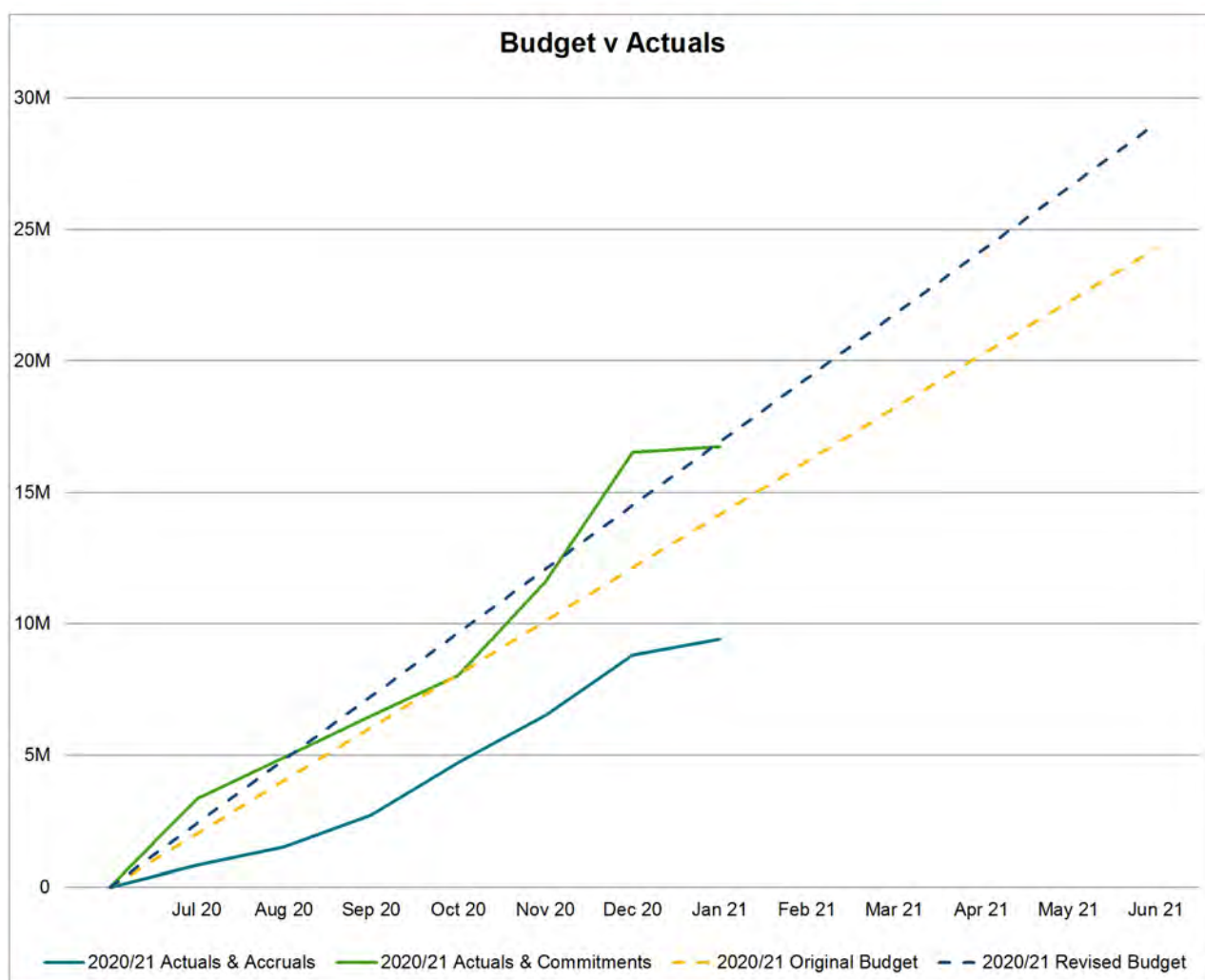
Asset Category	Original Budget	Revised Budget	Actuals & Accruals	Commitments	Total
Building	\$ 775,653	\$ 1,883,996	\$ 802,198	\$ 24,643	\$ 826,841
Environmental Health	\$ 315,000	\$ 315,000	\$ 77,471	\$ -	\$ 77,471
IT & Community Development	\$ 384,200	\$ 582,143	\$ 289,153	\$ 202,676	\$ 491,829
Capital Purchases & Works	\$ 10,000	\$ 571,170	\$ 259,345	\$ 141,966	\$ 401,311
Water & Waste Water	\$ 11,137,000	\$ 11,992,243	\$ 2,075,613	\$ 4,172,740	\$ 6,248,353
Road & Drainage	\$ 9,380,000	\$ 10,547,535	\$ 5,049,633	\$ 1,508,903	\$ 6,558,536
Parks & Gardens	\$ 430,000	\$ 590,000	\$ 81,163	\$ 12,874	\$ 94,037
Plant & Equipment	\$ 1,840,000	\$ 2,531,273	\$ 789,511	\$ 1,244,829	\$ 2,034,340
TOTAL	\$ 24,271,853	\$ 29,013,360	\$ 9,424,087	\$ 7,308,631	\$ 16,732,718

The below graph shows, by Asset Category, how much Council has spent (including accruals) on Capital Projects, compared to each budget.



Extended information on individual projects has been provided to Council in a separate dashboard report.

OVERVIEW OF COUNCIL'S CAPITAL PROJECTS



Actuals and Accruals include payments made and materials/services received but not yet invoiced.

Actuals and Commitments include payments made, accrual transactions and purchase orders raised for materials/services not yet provided/supplied.

APPENDIX 1 - OPERATING STATEMENT BY MANAGER

Attached are the Operating Statement Reports by Manager - please refer to these report for individual comments.

APPENDIX 2 - TOTAL COUNCIL OPERATING STATEMENT

Attached is the Total Council Operating Statement for your information.

APPENDIX 3 - STATEMENT OF FINANCIAL POSITION

Attached is the Statement of Financial Position as at 31 January 2021.

APPENDIX 4 - STATEMENT OF CASH FLOWS

Attached is the Statement of Cash Flows for the period ending 31 January 2021.

OPERATING STATEMENT
Period Ending 31 January 2021

Chief Executive Officer

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Operational contributions and donations	0	775	263	513	195%
Operational grants and subsidies	0	3,033	0	3,033	-
Other operating revenue	204	3,045	11,388	-8,343	-73%
Total operating revenue	204	6,853	11,650	-4,797	-41%
Operating Expenses					
Employee benefits	93,070	758,946	769,768	-10,822	-1%
Materials and services	12,158	114,655	197,333	-82,678	-42%
Total operating costs	105,228	873,601	967,101	-93,500	-10%
Surplus (deficit) from operating activities	-105,024	-866,748	-955,451	88,703	-9%
Net result for period	-105,024	-866,748	-955,451	88,703	-9%

Comments

Operational grants and subsidies

Unbudgeted grant received to produce and print a Burdekin regional fishing guide. This will be reflected in the next budget review along with matching expense.

Other operating revenue

The majority of the budgeted revenue is for the Sweet Days, Hot Nights festival. Major sponsors have committed but have not been invoiced to date.

Materials and services

Under budget for the marketing and promotion of destination website due to delays relating to COVID-19. Development of Brand and Marketing strategy for Industrial Estate is underway with engagement of consultant but no expenses incurred to date. Update of investment attraction video and material also planned to occur in second half of financial year from allocated funds. Minimal expenditure on Sweet Days, Hot Nights festival to date, with bookings secured and purchase orders to be raised next month.

OPERATING STATEMENT
Period Ending 31 January 2021

Director of Corporate & Community Services

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	3,359	48,112	56,533	-8,421	-15%
Operational contributions and donations	3,154	7,564	11,000	-3,436	-31%
Operational grants and subsidies	0	98,328	98,828	-500	-1%
Other operating revenue	409	1,712	1,245	467	38%
Total operating revenue	6,922	155,716	167,606	-11,890	-7%
Operating Expenses					
Employee benefits	41,156	330,760	365,548	-34,788	-10%
Materials and services	37,725	331,066	379,127	-48,061	-13%
Depreciation and amortisation	108,052	751,019	759,325	-8,306	-1%
Total operating costs	186,933	1,412,845	1,504,000	-91,155	-6%
Surplus (deficit) from operating activities	-180,011	-1,257,129	-1,336,394	79,265	-6%
Capital grants and subsidies	0	0	341,000	-341,000	-100%
Other capital income (expense)	0	-86,360	-39,824	-46,536	117%
Net result for period	-180,011	-1,343,488	-1,035,218	-308,271	30%

Comments

User fees and charges

Under budget due to reduced bookings of showgrounds due to COVID-19.

Operational contributions and donations

Under budget due to reduction in tariff and consumption of electricity at Home Hill Showgrounds.

Employee benefits

Under budget due to leave taken by staff.

Materials and services

Under budget due to delay in Lloyd Mann Gardens boundary re-alignment and timing of audit reviews as part of approved internal audit program

Capital grants and subsidies

Awaiting apportionment of Works for Queensland 2019-2021 and allocation of Works for Queensland COVID funding from Council Operational.

Other capital income (expense)

Disposal of assets due to capital renewals across a number of council facilities - SES building roof, Library carpet and toilets, and Memorial Hall lighting

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Client Services

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Operational grants and subsidies	0	30,178	32,500	-2,322	-7%
Other operating revenue	6,398	25,719	19,250	6,469	34%
Total operating revenue	6,398	55,897	51,750	4,147	8%
Operating Expenses					
Employee benefits	526,636	1,852,835	1,434,762	418,073	29%
Materials and services	1,449	1,271,035	1,335,880	-64,844	-5%
Total operating costs	528,085	3,123,871	2,770,642	353,229	13%
Surplus (deficit) from operating activities	-521,687	-3,067,974	-2,718,892	-349,081	13%
Net result for period	-521,687	-3,067,974	-2,718,892	-349,081	13%

Comments**Operational grants and subsidies**

Annual SES subsidy received was less than budget.

Other operating revenue

Over budget due to reimbursement of wages from Queensland Local Government Workcare. Workcare payments are received as the need arises and therefore often varies to budget.

Employee benefits

Currently over budget due to increased annual leave taken over the Christmas period. Also over budget for customer service and training. Customer service is over budget due to extra staff being rostered on to meet demand during the annual and rating period. The training area is over budget due to the rescheduling of training that was cancelled as a result of COVID-19 last financial year.

Materials and services

Under budget for IT and training. IT is under budget due to computer and tablet replacement yet to occur. The training materials and services is under budget for registration fees. Additional training registrations will be paid in the coming months.

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Community Services

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	299	39,203	134,785	-95,582	-71%
Operational grants and subsidies	10,000	38,302	54,710	-16,408	-30%
Other operating revenue	1,361	48,189	80,848	-32,659	-40%
Total operating revenue	11,660	125,695	270,343	-144,648	-54%
Operating Expenses					
Employee benefits	79,118	892,541	1,026,818	-134,277	-13%
Materials and services	46,922	602,796	962,681	-359,885	-37%
Depreciation and amortisation	7,075	49,958	49,875	83	0%
Total operating costs	133,115	1,545,295	2,039,374	-494,080	-24%
Surplus (deficit) from operating activities	-121,455	-1,419,600	-1,769,031	349,431	-20%
 Capital grants and subsidies	 0	 43,544	 1,312,670	 -1,269,127	 -97%
Net result for period	-121,455	-1,376,057	-456,361	-919,695	202%

Comments

User fees and charges

Under budget for hire of cultural facilities. COVID-19 has severely affected venue bookings and revenue from this activity, however more bookings are being made and revenue will increase.

Operational grants and subsidies

Under year to date budget due to Works for Queensland 2019-2021 grant not yet recognised for public artwork. This is offset by an unbudgeted RADF grant received for the Burdekin Cultural Fair.

Other operating revenue

Due to COVID-19 restrictions, this area is under budget for theatre promotion ticket sales and theatre bar sales.

Employee benefits

Under budget due to leave taken by staff in facilities that have seen reduced use due to COVID-19 and casual staff not being engaged for the theatre during this period.

Materials and services

Under year to date budget for Cultural Facilities, Welfare, Art and Culture Other, and Community Assistance. Cultural Facilities are under budget across various areas including electricity, materials, and trade/contract services due to the reduced use of Council venues as a result of COVID-19 restrictions. Welfare is under budget due to an annual donation yet to be paid and one recipient of the sewerage concessions no longer being eligible due to changing status from a non-profit to a commercial organisation. Art and Culture Other under budget due to Works for Queensland 2019-2021 funding not yet spent on artwork and the Art and Culture Strategy. The Strategy was budgeted to be spent by December, however is expected to commence in February following the appointment of a consultant for the project. The Community Assistance budget includes the installation of fairy lights in the community; this project is expected to be finalised in the coming months.

Capital grants and subsidies

Under budget due to quarterly State Library grant not yet received, apportionment of Works for Queensland 2019-2021; and allocation of Works for Queensland COVID funding not transferred from Council Operational.

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Environmental & Health Services excluding Waste Program

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	0	87,127	87,900	-773	-1%
User fees and charges	29,445	402,850	383,383	19,467	5%
Operational contributions and donations	3,683	38,697	73,854	-35,157	-48%
Operational grants and subsidies	0	0	25,500	-25,500	-100%
Other operating revenue	367	4,354	5,892	-1,538	-26%
Total operating revenue	33,496	533,028	576,528	-43,500	-8%
Operating Expenses					
Employee benefits	89,615	823,519	885,299	-61,780	-7%
Materials and services	461,012	1,176,880	1,164,342	12,538	1%
Depreciation and amortisation	26,040	181,455	180,600	855	0%
Total operating costs	576,667	2,181,854	2,230,241	-48,387	-2%
Surplus (deficit) from operating activities	-543,171	-1,648,826	-1,653,713	4,886	0%
 Other capital income (expense)	 -6,504	 -6,504	 0	 -6,504	 -
Net result for period	-549,675	-1,655,330	-1,653,713	-1,617	0%

Comments

User fees and charges

Over year to date budget for caravan park income. This budget was decreased due to the unknown impacts of COVID-19 on occupancy. Therefore, due to the limited restrictions in place, actual income is above budget.

Operational contributions and donations

Illegal Dumping Grant yet to be received. Slightly under budget for landowner contributions for Herbicide Subsidy.

Operational grants and subsidies

Under budget due to NQ Dry Tropics grants not yet received.

Other operating revenue

Under year to date budget for incidental income at the caravan parks.

Employee benefits

Health Administration under budget due to greater than average leave taken and vacancy for illegal dumping officer. Animal Management is under budget due to vacancy. The Swimming Pools are slightly under budget due to Clare and Millaroo attendants working less hours.

Other capital income (expense)

Disposal of amenities at Groper Creek.

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Environmental & Health Services - Waste Program

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	0	4,057,637	4,059,944	-2,307	0%
User fees and charges	94,822	396,946	305,250	91,696	30%
Interest Received	4,873	36,984	76,417	-39,432	-52%
Operational grants and subsidies	0	0	50,000	-50,000	-100%
Other operating revenue	3,737	112,817	115,679	-2,862	-2%
Total operating revenue	103,432	4,604,385	4,607,290	-2,905	0%
Operating Expenses					
Employee benefits	70,589	485,128	494,996	-9,868	-2%
Materials and services	248,753	1,216,399	1,469,938	-253,539	-17%
Depreciation and amortisation	33,355	231,332	231,700	-367	0%
Total operating costs	352,696	1,932,859	2,196,633	-263,775	-12%
Surplus (deficit) from operating activities	-249,264	2,671,526	2,410,656	260,870	11%
Capital grants and subsidies	0	0	40,833	-40,833	-100%
Other capital income (expense)	0	-2,161	-2,161	0	0%
Net result for period	-249,264	2,669,366	2,449,328	220,037	9%

Comments

User fees and charges

Over year to date budget due to increased one-off larger disposals at Kirknie Landfill.

Interest Received

Budget for interest has been split evenly over 12 months. Investment income is recognised in month of investment maturing. Interest rates on investments remain low.

Operational grants and subsidies

Under budget due to grant from Regional Recycling Transport Assistance Program not yet received.

Materials and services

Mainly under budget due to waste contract payments 3 months in arrears due to the review of payment rates and no expenditure on legacy landfill.

Capital grants and subsidies

Under budget due to Works for Queensland COVID grant for Home Hill Transfer Station fencing not yet allocated from Council Operational.

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Financial and Administrative Services

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	0	27,475,469	27,590,695	-115,226	0%
Pensioner remissions	-350	-344,233	-320,000	-24,233	8%
User fees and charges	7,504	68,963	56,908	12,055	21%
Interest Received	23,402	169,629	335,008	-165,379	-49%
Operational grants and subsidies	2,500	672,170	677,170	-5,000	-1%
Other operating revenue	27	35,347	35,500	-153	0%
Total operating revenue	33,084	28,077,345	28,375,281	-297,936	-1%
Operating Expenses					
Employee benefits	101,116	965,040	1,092,635	-127,595	-12%
Materials and services	38,219	552,878	613,879	-61,001	-10%
Depreciation and amortisation	33,906	237,021	252,058	-15,037	-6%
Finance Costs	4,548	55,250	63,160	-7,910	-13%
Total operating costs	177,789	1,810,189	2,021,732	-211,543	-10%
Surplus (deficit) from operating activities	-144,705	26,267,156	26,353,549	-86,393	0%
Capital grants and subsidies	0	1,014,400	168,762	845,638	501%
Other capital income (expense)	-1,382	-1,382	0	-1,382	-
Net result for period	-146,087	27,280,174	26,522,311	757,863	3%

Comments

Pensioner remissions

Increased number of pensioners eligible for Council rebate.

User fees and charges

Over year to date budget due to increased property searches and change of ownership fees.

Interest Received

Under budget for interest on investments and interest on overdue rates. The budget for interest on investments has been split evenly over 12 months. Investment income is recognised in month of investment maturing. Interest rates on investments remain low. Interest on overdue rates are under budget due to extended due date of 2020/21 Annual Rates Levy and reduced rate arrears.

Employee benefits

Under budget due to extended leave taken by a number of staff.

Materials and services

The budget allowed for expenses for COVID-19 (e.g. cleaning products and public safety), however due to the limited exposure to the virus in the shire this area is under budget.

Finance Costs

Bank charges are under budget. This variance is expected to reduce after the February due date for the water notices issued in January.

Capital grants and subsidies

First instalment of Works for Queensland COVID funding has been received. This funding has been receipted to Council Operational.

Other capital income (expense)

Disposal of office equipment.

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Operations - General Fund

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	16,253	98,939	94,800	4,139	4%
Operational contributions and donations	6,165	55,620	13,000	42,620	328%
Operational grants and subsidies	0	558,188	780,195	-222,007	-28%
Contract and recoverable works	667	34,850	12,000	22,850	190%
Other operating revenue	2,583	10,221	4,200	6,021	143%
Total operating revenue	25,667	757,817	904,195	-146,378	-16%
Operating Expenses					
Employee benefits	407,017	2,806,648	2,931,942	-125,294	-4%
Materials and services	341,413	2,478,090	2,672,077	-193,987	-7%
Depreciation and amortisation	70,998	492,290	507,733	-15,444	-3%
Total operating costs	819,428	5,777,027	6,111,752	-334,725	-5%
Surplus (deficit) from operating activities	-793,761	-5,019,210	-5,207,558	188,348	-4%
Capital grants and subsidies	0	79,077	1,407,881	-1,328,804	-94%
Other capital income (expense)	0	-25,206	-3,935	-21,271	541%
Net result for period	-793,761	-4,965,339	-3,803,612	-1,161,727	31%

Comments

Operational contributions and donations

Over year to date budget due to receipt of unbudgeted developer contributions and for contributions received for pump out of the septic system and caravan park dump point at Groper Creek. An adjustment will be made at the second revised budget to recognise the contributions.

Operational grants and subsidies

Currently under budget year to date for funds received relating to the January 2019 and January 2020 monsoonal flooding event from Queensland Reconstruction Authority. Funds are received as claims are approved and as work is completed, therefore the timing of recognition of revenue can differ to the year to date budget.

Contract and recoverable works

Revenue in the period is received from recovery of costs to repair a damaged water meter and a minor private works job. Over budget for income received for private works. Revenue stream is variable throughout the year with forecast total revenue based on historical annual actuals.

Other operating revenue

Currently over budget due to the volume sales of scrap metal from the Depot and receipt of an unbudgeted insurance recovery.

Materials and services

Under budget for parks operations and road maintenance. The current focus on capital works and Disaster Recovery Funding Arrangement (DRFA) works combined with contract resource availability is impacting on road maintenance activities. Public Conveniences is over budget year to date due to external plant hire charges related to the Groper Creek septic pump outs. The recovery of these costs are captured as Operational Contributions.

Capital grants and subsidies

Currently under budget for DRFA grant funding. Funds are received as claims are approved and work is completed. Further funding will be received as work progresses.

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Operations - Sewerage

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	0	3,977,458	4,038,000	-60,542	-1%
Interest Received	11,928	87,878	167,008	-79,131	-47%
Operational contributions and donations	0	5,000	4,000	1,000	25%
Total operating revenue	11,928	4,070,335	4,209,008	-138,673	-3%
Operating Expenses					
Employee benefits	103,007	764,603	792,575	-27,972	-4%
Materials and services	56,399	583,046	639,146	-56,100	-9%
Depreciation and amortisation	117,368	813,997	817,483	-3,486	0%
Total operating costs	276,775	2,161,647	2,249,205	-87,558	-4%
Surplus (deficit) from operating activities	-264,846	1,908,689	1,959,804	-51,115	-3%
Capital grants and subsidies	0	24,727	124,463	-99,736	-80%
Other capital income (expense)	0	-36,505	-36,505	0	0%
Net result for period	-264,846	1,896,911	2,047,762	-150,851	-7%

Comments

Interest Received

Budget for interest has been split evenly over 12 months. Investment income is recognised in month of investment maturing. Interest rates on investments remain low.

Operational contributions and donations

Year to date income received is made up of developer contributions toward the provision of trunk sewerage infrastructure for a multi-unit development. The budget is based on historical annual averages and can vary to budget depending on developer activity. It is expected that this variance will balance out across the financial year.

Materials and services

Sewerage treatment operational expenses are currently under budget. Expenses historically increase throughout the wet season as a result of increased flows through network infiltration.

Capital grants and subsidies

Under year to date budget due to allocation of Works for Queensland COVID funding not transferred from Council Operational.

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Operations - Water

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	552,935	3,628,692	3,730,000	-101,308	-3%
User fees and charges	461	51,038	40,800	10,238	25%
Interest Received	8,782	63,700	117,892	-54,192	-46%
Operational contributions and donations	0	5,000	2,000	3,000	150%
Other operating revenue	0	0	700	-700	-100%
Total operating revenue	562,177	3,748,430	3,891,392	-142,962	-4%
Operating Expenses					
Employee benefits	92,547	644,002	674,439	-30,437	-5%
Materials and services	123,812	1,227,557	1,256,190	-28,633	-2%
Depreciation and amortisation	58,188	405,062	405,942	-879	0%
Total operating costs	274,548	2,276,621	2,336,571	-59,950	-3%
Surplus (deficit) from operating activities	287,629	1,471,808	1,554,821	-83,012	-5%
Capital contributions	1,888	1,888	0	1,888	-
Capital grants and subsidies	0	0	7,635,862	-7,635,862	-100%
Other capital income (expense)	0	-6,608	0	-6,608	-
Net result for period	289,517	1,467,089	9,190,683	-7,723,594	-84%

Comments**User fees and charges**

Revenue in the period is from the sale of bulk water from water filling stations. Over year to date budget due to increased number of property connections.

Interest Received

Budget for interest has been split evenly over 12 months. Investment income is recognised in month of investment maturing. Interest rates on investments remain low.

Operational contributions and donations

Income was received in the October period for developer contributions toward the provision of trunk water infrastructure for a multi-unit residential development. The budget for these are based on historical annual averages and can vary to budget depending on current activity.

Employee benefits

Under budget year to date due to recruitment delays in filling Manager Water Wastewater and vacant plumbers roles. These roles have now been successfully recruited with new Manager Water Wastewater commencing March 1 and both plumbers roles filled prior to the end of the 2020 calendar year.

Capital contributions

Revenue received in the period recognises developer contributions for water service connections related to subdivisional activities.

Capital grants and subsidies

Grant payment to be received throughout the year when milestones are achieved in the Ayr and Home Hill Reservoirs, Ayr duplicate trunk main and bore projects.

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Technical Services

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	13,905	192,452	150,236	42,216	28%
Operational grants and subsidies	8,793	67,701	75,000	-7,299	-10%
Contract and recoverable works	124,484	490,471	950,000	-459,529	-48%
Other operating revenue	0	0	2,333	-2,333	-100%
Total operating revenue	147,182	750,624	1,177,569	-426,945	-36%
Operating Expenses					
Employee benefits	145,786	1,252,167	1,564,327	-312,160	-20%
Materials and services	-64,840	-458,511	-403,668	-54,843	14%
Depreciation and amortisation	601,786	4,175,735	4,168,908	6,827	0%
Total operating costs	682,732	4,969,390	5,329,567	-360,177	-7%
Surplus (deficit) from operating activities	-535,550	-4,218,766	-4,151,998	-66,768	2%
Capital contributions	0	490	0	490	-
Capital grants and subsidies	14,046	1,647,506	3,913,605	-2,266,099	-58%
Other capital income (expense)	0	-91,723	-12,653	-79,070	625%
Net result for period	-521,504	-2,662,494	-251,046	-2,411,448	961%

Comments

User fees and charges

Over budget due to higher than expected trade waste income received at Ayr Treatment Plant.

Operational grants and subsidies

Monthly fuel tax credit varies based on fuel consumption.

Contract and recoverable works

Income under budget due to the timing of Road Maintenance Performance Contract (RMPC) works. Major RMPC maintenance planned for last quarter.

Other operating revenue

Under budget due to no small plant sales so far this year.

Employee benefits

Under budget due to vacant positions and capitalised wages for design projects. One vacant position has been filled with a contractor and the expenses for this position are being capitalised for design of projects. The budget will be reduced in the second revision to reflect the vacancies and capitalisation of wages. Major RMPC maintenance planned for last quarter.

Materials and services

Under budget due to timing of expenditure for HECS fees in Technical Services and RMPC works. Major RMPC maintenance planned for last quarter. Fleet Management is also under budget due to lower than average fuel costs and repairs undertaken so far this financial year.

Capital grants and subsidies

Capital grants received include Local Roads and Community Infrastructure Grant, Department of Communities North Queensland Monsoon Trough Round 2 funding for Lighting Towers, Queensland Reconstruction Authority Flood Warning Infrastructure Network funding, Roads to Recovery and Transport Infrastructure Development Scheme. Further grants to be received as projects progress.

Other capital income (expense)

Partial disposal of John Ahern bridge asset on Sheepstation Creek Road.

OPERATING STATEMENT
Period Ending 31 January 2021

Manager Planning and Development

	Month of January Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	44,225	259,294	218,750	40,544	19%
Operational grants and subsidies	0	-348	54,308	-54,657	-101%
Other operating revenue	47	111	0	111	-
Total operating revenue	44,272	259,057	273,058	-14,002	-5%
Operating Expenses					
Employee benefits	54,893	625,974	672,234	-46,260	-7%
Materials and services	5,100	136,741	167,913	-31,172	-19%
Total operating costs	59,993	762,715	840,147	-77,431	-9%
Surplus (deficit) from operating activities	-15,721	-503,658	-567,088	63,430	-11%
Net result for period	-15,721	-503,658	-567,088	63,430	-11%

Comments

User fees and charges

Building and Plumbing application fees received during January were in excess of budget amounts. This budget will be revised in the second revision.

Operational grants and subsidies

As at end of January, no further funding received from Local Government Association of Queensland for completed Coastal Hazard Adaptation Strategy (CHAS) project. Strategic Plan currently in community consultation phase until presentation to Council in February/March.

Employee benefits

Budgeted amount variance due to staff taking higher than average amounts of annual leave during school holidays.

Materials and services

Under budget due to Phase 8 CHAS payments not being finalised. Awaiting completion of community consultation.

BURDEKIN SHIRE COUNCIL
OPERATING STATEMENT
Period Ending 31 January 2021

Appendix 1

	Month of January Actual	Year to Date Actual	Revised Budget	Year to Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue						
Rates and Utility Charges	552,935	39,226,383	40,356,539	39,506,539	-280,156	-1%
Pensioner remissions	-350	-344,233	-320,000	-320,000	-24,233	8%
User fees and charges	210,274	1,557,798	2,349,490	1,441,445	116,353	8%
Interest Received	48,985	358,190	1,160,700	696,325	-338,135	-49%
Operational contributions and donations	13,002	112,656	196,404	104,117	8,540	8%
Operational grants and subsidies	21,293	1,467,552	3,242,566	1,848,211	-380,659	-21%
Contract and recoverable works	125,151	525,320	1,784,000	962,000	-436,680	-45%
Other operating revenue	15,133	241,514	468,134	277,034	-35,520	-13%
Total operating revenue	986,422	43,145,182	49,237,833	44,515,670	-1,370,488	-3%
Operating Expenses						
Employee benefits	1,804,551	12,202,164	21,632,529	12,705,343	-503,180	-4%
Materials and services	1,308,122	9,232,631	16,999,570	10,454,837	-1,222,206	-12%
Depreciation and amortisation	1,056,767	7,337,869	12,640,500	7,373,625	-35,756	0%
Finance Costs	4,548	55,250	81,260	63,160	-7,910	-13%
Total operating costs	4,173,988	28,827,914	51,353,859	30,596,965	-1,769,051	-6%
Surplus (deficit) from operating activities	-3,187,566	14,317,268	-2,116,026	13,918,705	398,563	3%
Capital contributions	1,888	2,378	0	0	2,378	-
Capital grants and subsidies	14,046	2,809,254	15,006,003	14,945,077	-12,135,823	-81%
Other capital income (expense)	-7,886	-256,449	-95,078	-95,078	-161,371	170%
Net result for period	-3,179,518	16,872,451	12,794,899	28,768,704	-11,896,253	-41%

BURDEKIN SHIRE COUNCIL
STATEMENT OF FINANCIAL POSITION
As at 31 January 2021

Appendix 1

	Year to Date Actual \$	Annual Budget \$
Current Assets		
Cash and Cash Equivalents	75,906,804	57,252,203
Receivables	1,533,636	1,955,570
Inventories	595,460	524,225
Contract Assets	346,224	0
Other Assets	313,841	1,683,350
Total Current Assets	78,695,965	61,415,348
Non-Current Assets		
Receivables	406,660	381,253
Property, Plant and Equipment	536,707,092	550,794,661
Intangibles Assets	522,415	547,019
Other Assets	49,119	0
Total Non-Current Assets	537,685,287	551,722,933
TOTAL ASSETS	616,381,252	613,138,281
Current Liabilities		
Payables	1,656,763	5,654,325
Provisions	5,545,865	5,545,865
Contract Liabilities	3,521,602	469,924
Other Liabilities	109,148	2,714
Total Current Liabilities	10,833,378	11,672,828
Non-Current Liabilities		
Provisions	20,428,958	20,428,958
Total Non-Current Liabilities	20,428,958	20,428,958
TOTAL LIABILITIES	31,262,336	32,101,786
NET COMMUNITY ASSETS	585,118,916	581,036,495
Community Equity		
Asset Revaluation Surplus	315,584,384	315,584,389
Retained Surplus (deficiency)	269,534,532	265,452,106
TOTAL COMMUNITY EQUITY	585,118,916	581,036,495

BURDEKIN SHIRE COUNCIL
STATEMENT OF CASH FLOWS
For Period Ending 31 January 2021

Appendix 1

	Year to Date Actual \$	Annual Cashflow Budget \$
Cash Flows from Operating Activities		
Receipts		
Receipts from Customers	42,428,134	44,638,163
Operating Grants, Subsidies and Contributions	1,580,209	3,710,572
Interest Received	395,408	1,160,700
Payments		
Payments to Suppliers and Employees	-25,013,770	-38,669,630
Interest Expense	-4,402	-5,260
Net Cash Inflow (Outflow) from Operating Activities	<u>19,385,579</u>	<u>10,834,545</u>
Cash Flows from Investing Activities		
Commonwealth Government Grants	930,392	0
State Government Subsidies and Grants	1,878,862	15,006,003
State Government Subsidies and Grants arising from Contract Assets and Liabilities	56,599	-2,920,458
Capital Contributions	2,378	0
Payments for Property, Plant and Equipment	-9,275,987	-28,828,937
Payments for Intangible Assets	-114,072	-184,423
Proceeds from Sale of Property, Plant and Equipment	0	365,000
Net Movement in Loans to Community Organisations	24,110	-38,470
Net Cash Inflows (Outflow) from Investing activities	<u>-6,497,718</u>	<u>-16,601,285</u>
Cash Flows from Financing Activities		
Repayment of Borrowings	-346,051	-346,051
Net Cash Inflows (Outflow) from Financing activities	<u>-346,051</u>	<u>-346,051</u>
Net Increase (Decrease) in Cash and Cash Equivalents Held	<u>12,541,810</u>	<u>-6,112,791</u>
Cash and Cash Equivalents at Beginning of the Financial Year	63,364,994	63,364,994
Cash and Cash Equivalents at end of the Period	<u><u>75,906,804</u></u>	<u><u>57,252,203</u></u>

5.4 GOVERNANCE

5.4.1 Audit Committee - Tenure of Independent Professional Member

File Reference	388
Report Author	Mrs. Rebecca Stockdale – Senior Governance Officer
Authoriser	Mr. Nick O'Connor – Director Corporate and Community Services
Meeting Date	23 February 2021

Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

5.3.1 Demonstrate open and transparent leadership

5.3.3 Adhere to the governance framework and public reporting systems

Executive Summary

It is a statutory requirement for Council to appoint an Audit Committee. In accordance with the adopted Charter, the current Audit Committee composition includes two (2) Councillors and three (3) independent members appointed by Council. The Charter allows for a “rolling replacement” model to ensure continuity of knowledge, whereby not all positions become vacant at the same time. The position of Independent Professional Member, which has been performed by Mr. Jim Fahey since 2018, is due to become vacant in March of the year following a Local Government Election (in this case, March 2021).

Council has the discretion to extend the current incumbent’s tenure for a further four-year term or declare the position vacant and follow a recruitment process as per the adopted Charter. The incumbent has attended all meetings held during the term, has contributed appropriately and has indicated a willingness to serve for another four-year term.

In accordance with the current Charter, the number of consecutive terms an independent external member can serve is two (2) terms.

Recommendation

That Council re-appoints Mr. Jim Fahey to Council’s Audit Committee as the Independent Professional Member, for an additional four-year term, effective from 1 March 2021.

Background

The composition of Council’s Audit Committee includes two (2) Councillors and three (3) independent members. Acknowledging that the elected member representatives can change following each Local Government Election, the adopted Charter is aimed at ensuring knowledge continuity by applying a successive program for the tenure of each independent member position.

The Independent Professional Member position becomes vacant in March of the year following a Local Government Election. The Independent Chairperson position will become vacant in April two (2) years after a Local Government Election. Council approved reappointment of the Independent Community Member, Mr. Jim Nuttall, in October 2020.

The Committee's role is to provide independent assurance and assistance to Council particularly in the areas of risk, control and compliance frameworks and other external accountability responsibilities as prescribed in the *Local Government Act 2009* and *Local Government Regulation 2012*.

The topics covered during each Audit Committee Meeting are broad and it is important that the external members build their knowledge base in order to contribute effectively at meetings.

The Independent Professional Member must:

- Be independent of Council and have not been an employee or elected member of Burdekin Shire Council within the past eight (8) years;
- Be generally of good character and free of any criminal convictions;
- Hold duly recognised professional qualifications in Accounting, Law, Finance, Business or Risk Management;
- Reside in the Burdekin Shire Local Government Area; and
- Be able and willing to subscribe to Burdekin Shire Council's Code of Conduct.

Mr. Fahey is a qualified accountant with over 20 years' experience and meets all other eligibility criteria.

Consultation

The Audit Committee discussed the tenure of the Independent Professional Member at their meeting on 10 February 2021. Mr. Fahey was also consulted and indicated he would be willing to accept another four-year term in this position.

Budget & Resource Implications

The independent members of the Audit Committee are paid for their attendance at meetings. This expense has been included in the current budget.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

A risk-based approach has been applied to the membership and tenure of the Audit Committee. Committee effectiveness relies on the abilities, knowledge, and contributions of its members. Regularly reviewing the performance of the committee as well as planning for a rolling review and replacement of the independent members helps to mitigate the risks of losing knowledge continuity. It also ensures that members' performance is monitored, and tenure is adjusted accordingly.

Attachments

Not Applicable.

5.4.2 Expansion of Ayr Industrial Estate

File Reference	1419
Report Author	Mrs. Janice Horan - Grants and Property Officer
Authoriser	Mr. Nick O'Connor – Director Corporate and Community Services
Meeting Date	23 February 2021

Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

1.1.2 Prioritise infrastructure projects that will contribute to liveability and growth in the Burdekin

Executive Summary

Round five (5) of the Building Better Regions Fund has been advertised and applications close on 5 March 2021. With Council's approval, it is intended to apply for funding of 50% of the estimated infrastructure project costs to undertake expansion of the Ayr Industrial Estate.

Recommendation

That Council:

1. notes the content of this report and endorses the actions taken by staff on the project to date;
2. endorses the submission of a funding application under the Building Better Regions Fund (BBRF) Round five (5) seeking 50% subsidy to expand the Ayr Industrial Estate, with an estimated project cost of \$5.6 million (plus land cost, legal expenses and sales and marketing costs); and
3. notes that should Council be successful in securing BBRF funding, that matching Council funds would be required to be provided from funds held in Reserves.

Background

Expansion of the Ayr Industrial Estate will provide much needed industrial land for the region, establish new services for the community, create employment opportunities and economic development and retain young people in the district. Initially developed in the 1980's, Ayr's existing industrial estate is at capacity.

The project proposal is to expand the Ayr Industrial Estate through the creation and staged development of a further 45 allotments in a fully serviced employment precinct adjoining the existing Ayr Industrial Estate.

Council purchased suitable land in 2019 to enable expansion of the existing industrial estate in Ayr and the funding will enable the development of the land with the necessary infrastructure.

The proposed works, the subject of the funding application to the Building Better Regions Fund, relate to Stages 1A and 1B of the industrial estate, being 7.5 hectares of the overall 14.5 hectare site area. The subdivision creates 23 lots with an average area of 2,076 square metres.

Providing additional serviced industrial land in the Burdekin Shire supports the objectives of the North Queensland Regional Plan (March 2020) which identified a shortage of suitably sized and located

industrial land in the region. The need for additional industrial land was also identified through investigations undertaken to inform the Burdekin Economic Development Strategy 2020-2025.

Consultation

Regional Development Australia, Townsville Office
Townsville Enterprise Limited
SC Lennon & Associates

Budget & Resource Implications

The Council's share of the project costs will be funded from Council's Reserve Funds.

Legal Authority & Implications

Two (2) properties have been purchased to facilitate the expansion of the Ayr Industrial Estate:

1. 31-87 Craig Street, Ayr purchased for the extension of the expansion; and
2. 23-25 McCathie Street, Ayr purchased for entrance roadway purposes.

Purchase of both properties has been finalised.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

Financial risk if the Building Better Regions Fund application is not approved – it may not be possible to proceed with development of the Ayr Industrial Estate expansion.

Loss of business opportunities through lack of suitable land for new developments or expansion of existing businesses.

Attachments

Not Applicable.

5.4.3 Optus Mobile Pty Limited to Australia Tower Network Pty Limited - Assignment of Trustee Lease

File Reference	2298
Report Author	Ms. Tamara Bateman – Governance and Property Officer
Authoriser	Mr. Nick O'Connor – Director Corporate and Community Services
Meeting Date	23 February 2021

Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

2.5.1 Review land supply and uses as required to meet community and business needs

Executive Summary

Council approval is requested to consent to the Assignment of the following Trustee Lease (the subject Lease):

Trustee:	Burdekin Shire Council
Lessee:	Optus Mobile Pty Limited
Tenure:	Reserve for Local Government
Leased Premises:	Lease B on Survey Plan 240612 (Part of Lot 2 on Crown Plan M91019)
Location:	2 Cartys Street, Millaroo
Commencement:	01 November 2011
Expiry:	31 October 2031
Options:	Nil

Recommendation

That Council agree to the Lessee assigning the whole of the subject Lease (Lease B on Survey Plan 240612) to Australia Tower Network Pty Limited ACN 643 875 165 without any amendments to the terms of the subject lease and on the condition that payment of outstanding rates charges is fulfilled.

Background

Optus' parent company, SingTel, has recently incorporated a new company, Australia Tower Network Pty Limited (ATN). Like Optus, ATN is 100% ultimately owned by SingTel, meaning that ATN is a related body corporate of Optus.

Correspondence from Optus states that Optus will transfer site assets and assign all relevant leases and licences to ATN, with no changes to the terms. Optus will leave its telecommunications equipment on the passive infrastructure and access them for required maintenance and occupy them for the continued operations of the Optus telecommunications business.

In addition to the site facilities, Optus are proposing that the subject Lease is assigned to ATN. From a practical perspective, other than receiving rent from ATN instead of Optus, the day-to-day operations at the subject Lease site will remain unchanged under ATN's ownership.

To summarise, Optus seek to assign the subject Lease to ATN and propose to continue to occupy and access the subject Lease site in the same way it has in the past.

Consultation

Not Applicable.

Budget & Resource Implications

Outgoing Lessee to arrange for Assignment and Transfer documentation for signing by all parties.

All costs associated with the Assignment/Transfer of Lease are to be borne by the outgoing Lessee/incoming Lessee respectively.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

Not Applicable.

Attachments

1. Plan of Lease B on Survey Plan 240612 (Part of Lot 2 on Crown Plan M91019).

SURVEY PLAN
CUNNINGHAM

Sheet 1 of 1

STN	ID	ORIGIN	BEARING	DIST
3	OP	M9102	at Station	
4	OP	M9102	at Station	
5	OP	M9102	at Station	
6	OP	M9102	at Station	
7	OP	M9102	at Station	
8	OP	M9102	at Station	
9	OP	M9102	at Station	
10	OP	M9102	at Station	

Replaced at all new corners
unless otherwise stated.



MCLAUGHLIN STREET

2
M91019

STREET

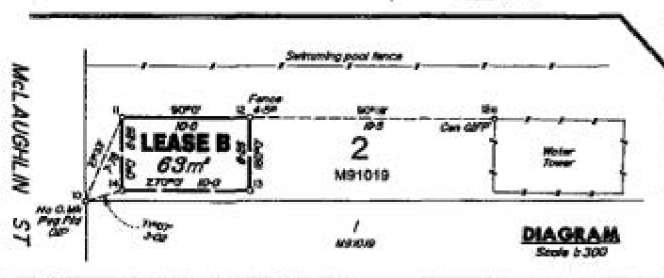
CARTYS STREET

STREET

TERRY STREET

LEASE B

YIDE DIAG



PM	ORIGIN	BEARING	DIST	NO	TYPE
1-OPM	M9102	at Station		53	Standard
2-OPM	M9102	at Station		53	Standard

M.G.A. COORDINATES GDA-84

STATION	EASTING	NORTHING	ZONE	ORDER	CLASS	ADJUSTMENT	REMARKS
1	529 487.809	7 782 087.324	55				
2	529 488.081	7 781 852.385	55				
11	529 486.811	7 781 873.636	55				

I, Geoffrey Lynn HENDERSON, hereby certify that the land comprised in this plan was surveyed by me personally and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2000 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 13/02/2011.

17/02/2011

[Signature]
Cadastral Surveyor

Plan of Lease B in Lot 2 on M91019

PARISH: MILLAROO

COUNTY: Gladstone

Maiden: MGA, Zone 55, by GPS

FIN: No

Scale: 1:600

Format: STANDARD



SP240612

Plan Status:

6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

6.1 ENVIRONMENTAL AND HEALTH SERVICES

6.1.1 Community and Environmental Management (Amendment) Local Law (No. 1) 2021 and Community and Environmental Management (Amendment) Subordinate Local Law (No.1) 2021

File Reference 414

Report Author Ms. Stevie Moffat – Governance Support Officer

Authoriser Mr. Dan Mulcahy – Manager Environmental and Health Services

Meeting Date 23 February 2021

Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

3.1.4 Raise public awareness and improve health and safety through the delivery of regulatory and advisory programs

Executive Summary

To propose amendments to *Local Law No. 3 and Subordinate Local Law No. 3 (Community and Environmental Management) 2012* and delegate to the Chief Executive Officer the power to undertake public interest testing in relation to anti-competitive provisions.

Amendments to the Local and Subordinate Local Law would include provisions to specify pigeon droppings on footpaths as a community and safety hazard and prescribe actions to remedy such hazard; and include provisions to regulate the maintenance of buildings in designated areas so as to prevent public injury or harm.

Recommendation

1. That Council resolves to propose to make each of the following:
 - a. Community and Environmental Management (Amendment) Local Law (No. 1) 2021; and
 - b. Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021; and
2. That Council resolves, pursuant to section 257 of the *Local Government Act 2009* (“the Act”), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* (“the Regulation”) to decide—
 - a. how the public interest test of the local law and the subordinate local law particularised in the schedule is to be conducted;
 - b. the matters with which the public interest test report in relation to the local law and the subordinate local law particularised in the schedule must deal; and
 - c. the consultation process for the public interest test and how the process is to be used in the public interest test.

Background

Council at its Ordinary Council Meeting held on 27 October 2020 resolved to commence the process to amend *Local Law No. 3 and Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.

The purpose of the proposed changes is to:

1. Include provisions to specify pigeon droppings on footpaths as a community safety hazard and prescribe actions to remedy such hazard; and
2. Include provisions to regulate the maintenance of buildings in designated areas so as prevent public injury or harm.

Council has consulted with King & Company Solicitors to commence the local law amendment process. King & Company Solicitors have subsequently provided a draft local law and subordinate local law for Council's consideration and a list of likely anti-competitive provisions (attached).

Council will be required to undertake a public interest test in relation to the likely anti-competitive provisions and it is recommended that Council delegate to the Chief Executive Officer the power to decide how the public interest testing of the likely anti-competitive provisions will be undertaken. These requirements are pursuant to section 257 and 38 of the Act, and section 15 of the Regulation.

Prior to proceeding to the public consultation stage of the local law making process, Council will be required to consult with relevant government entities regarding the overall State interest in the proposed local law, in accordance with section 29A of the Act.

Following consultation with the relevant government entities, and subject to consideration of the comments (if any), Council may proceed with public consultation in relation to the proposed amendments to the local and subordinate local laws. Properly made public submissions, if any, will be considered by Council at a future date.

Consultation

Discussion at Council Workshops held on 18 August 2020, 6 October 2020, 8 December 2020 and 2 February 2021. Discussion at Ordinary Council Meeting held on 27 October 2020. Legal advice obtained from King & Company Solicitors.

Budget & Resource Implications

The preparation, adoption and implementation of the Local and Subordinate Local Law amendments will incur legal fees and staff resource allocation.

Legal fees associated with the proposed Local and Subordinate Local Law amendments are estimated to be approximately \$11,400.00 (excluding GST).

Staff resource allocation will be absorbed and prioritised into existing duties.

Legal Authority & Implications

Local Government Act 2009 (Qld) s 38 and 257.

Local Government Regulation 2012 (Qld) s 15.

Local Law No. 3 (Community and Environmental Management) 2012

Subordinate Local Law No. 3 (Community and Environmental Management) 2012

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

The proposed amendments to the Local and Subordinate Local Law are designed to reduce community safety hazards being pigeon droppings on footpaths and derelict buildings in a state of disrepair. Effective implementation of the recommendations will reduce the likelihood of public harm or injury.

However, once the amended Local and Subordinate Local Law is in place, Council will have an obligation, subject to existing resources and priorities, to take appropriate action in accordance with the amended Local and Subordinate Local Law. Ineffective implementation of enforcement action could be construed as leading to public harm or injury and may place Council in a litigious situation.

Attachments

1. Draft – Community and Environmental Management (Amendment) Local Law (No. 1) 2021;
2. Draft – Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021;
3. List of Likely Anti-competitive Provisions for Community and Environmental Management (Amendment) Local Law (No. 1) 2021; and
4. List of Likely Anti-competitive Provisions for Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021.

Burdekin Shire Council Community and Environmental Management (Amendment) Local Law (No. 1) 2021

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	5 Amendment of sch (Dictionary)	4

Part 1 Preliminary

1 Short title

This local law may be cited as *Community and Environmental Management (Amendment) Local Law (No. 1) 2021*.

2 Local law amended

This local law amends *Local Law No. 3 (Community and Environmental Management) 2012*.

Part 2 Amendment of local law

3 Amendment of s2 (Purpose and how it is to be achieved)

After section 2(2)—

insert—

‘(3) The purpose is also to be achieved by providing for the regulation of the maintenance of the appearance of buildings in designated areas so that the appearance of a building in a designated area does not detract from the appearance of other buildings in the designated area.’

4 Insertion of new pt6A (Building appearance in a designated area)

After part 6—

insert—

‘Part 6A Building appearance

Division 1 Application

21A Application

- (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a designated area.
- (2) The subordinate local law must define the boundaries of the designated area.

Division 2 Duty to maintain buildings

21B Duty to maintain building appearance

- (1) The owner of a building in a designated area must ensure that the building is maintained so that the appearance of the building does not detract from the appearance of other buildings in the designated area.
- (2) For subsection (1), a building in a designated area detracts from the appearance of other buildings in the designated area if—
 - (a) the building—

- (i) is in a dirty condition; or
 - (ii) is in a state of disrepair; or
 - (iii) is in need of repainting; or
 - (iv) otherwise has a dilapidated appearance; or
- (b) the appearance of the building has caused, or is, in the opinion of an authorising person, likely to cause—
 - (i) personal injury or property damage; or
 - (ii) a negative impact on the amenity of other buildings in the designated area.

Example for subsection (2)(b)—

A building the appearance of which is negatively impacted by broken glass windows or the building being in a state of disrepair which includes building materials spilling onto, or in close proximity to, any footpath or pedestrian access way which abuts the land on which the building is situated.

Division 3 Enforcement

21C Show cause notice

- (1) If an authorised person forms the opinion that the owner of a building has failed to comply with the duty to maintain the building in section 21B, the authorised person may give the owner a written notice (a **show cause notice**) to show cause why a compliance notice should not be given to the owner.
- (2) The show cause notice must state—
 - (a) the action proposed to be taken by the authorised person; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and
 - (d) that the owner may make written submissions, within a stated reasonable time of at least 14 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering any submissions made within the stated time, the authorised person decides that a ground no longer exists to give a compliance notice, the authorised person must take no further action about the show cause notice and give written notice to the owner about the decision.
- (4) If, after considering any submissions made within the stated time, the authorised person still considers there is a ground to take the proposed action, the authorised person may—
 - (a) give a compliance notice to the owner under section 27 of *Local Law No. 1 (Administration) 2012*; or
 - (b) agree to the owner entering into an enforcement agreement under section 21D; or
 - (c) take no further action about the show cause notice and give written

notice to the owner about the decision.

- (5) Before taking action under subsection (4)(a), the authorised person must give the owner written notice of the decision.
- (6) If the owner of a building is given a notice about a decision made under subsection (4)(a), the notice must include, or be accompanied by, an information notice.

21D Enforcement agreement

- (1) The local government may enter into a written agreement (an ***enforcement agreement***) with the owner of a building which may include statements, or terms and conditions, about any, or all, of the following—
 - (a) that the enforcement agreement is entered into under this section;
 - (b) that the owner has failed to fulfil the duty of the owner under section 21B;
 - (c) that the owner will undertake specified work to remedy the breach of section 21B, including particulars of—
 - (i) the standard of the work; and
 - (ii) the timing of the undertaking of the work;
 - (d) the estimated value of the work to be undertaken;
 - (e) that an irrevocable undertaking of a bank or a security deposit will be lodged with the local government in a specified amount to secure the undertaking of the work which may be forfeited to the local government if the work is not undertaken—
 - (i) to the standard required; or
 - (ii) within the agreed time;
 - (f) that the local government, its employees and agents may enter the land on which the building is situated to undertake the work if it is not undertaken as agreed by the owner;
 - (g) that, if the local government undertakes the whole, or any part, of the work required under the enforcement agreement, the local government may recover the cost of the work undertaken by the local government;
 - (h) that the enforcement agreement may be varied only with the prior written consent of the local government;
 - (i) that the local government may terminate the enforcement agreement at any time;
 - (j) that if the owner breaches the enforcement agreement, the local government may take court action to enforce the enforcement agreement;
 - (k) any other terms necessary or convenient to ensure the owner's compliance with the duty of the owner under section 21B.
- (2) The local government may apply to the court for enforcement of an enforcement agreement entered into under this section.
- (3) When making orders for the enforcement of an enforcement agreement

entered into under this section, a court may—

- (a) order the owner to comply with the enforcement agreement or 1 or more of the terms of the enforcement agreement; and
- (b) order the owner or the occupier of the building to allow the local government and its employees or agents to enter the land on which the building is situated to undertake work under the enforcement agreement; and
- (c) order that the owner put in place suitable signage or advertising relating to the work that the owner is required to undertake under the enforcement agreement; and
- (d) order the owner to pay to the local government any amount nominated in the enforcement agreement for the undertaking of the work or, if the local government has already undertaken the work, the actual cost of undertaking the work; and
- (e) order the owner to pay the costs of the local government which have been incurred by the local government under the enforcement agreement which may include an award of punitive damages; and
- (f) any other order that the court considers appropriate.’.

5 Amendment of sch (Dictionary)

Schedule—

insert—

‘**building** see *Building Act 1975*, schedule 2.

court means the Magistrates Court.

designated area see section 21A.

enforcement agreement see section 21D.

footpath see *Transport Operations (Road Use Management) Act 1995*, schedule 4.

information notice see *Local Law No. 1 (Administration) 2012*, schedule 1.

owner, of a building or structure, see *Building Act 1975*, schedule 2.

show cause notice see section 21C.

structure see *Building Act 1975*, schedule 2.’.

This and the preceding 4 pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Local Law (No. 1) 2021* made in accordance with the provisions of the *Local Government Act 2009* by Burdekin Shire Council by resolution dated the day of 2021.

.....
Chief Executive Officer

999986_1

Burdekin Shire Council

Community and Environmental Management (Amendment)

Subordinate Local Law (No. 1) 2021

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1	Short title.....	1
2	Subordinate local law amended	1
Part 2	Amendment of subordinate local law.....	1
3	Amendment of s10 (Community safety hazards—Authorising local law, s17(c)).....	1
4	Insertion of new pt6A (Designated area for building appearance provisions).....	1
	Part 6A Designated area for building appearance provisions	1
	13 Designated area for building appearance provisions	1
5	Amendment of sch5 (Prescribed requirements for community safety hazards).....	2
6	Insertion of new sch6A (Designated area)	2
	Schedule 6A Designated area	2

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.

Part 2 Amendment of subordinate local law

3 Amendment of s10 (Community safety hazards—Authorising local law, s17(c))

- (1) Section 10(d), ‘.’—

omit, insert—

‘; and’.

- (2) After section 10(d)—

insert—

‘(e) a building or structure on premises the construction, design, or state of repair of which—

(i) is dangerous or attracts vermin; or

(ii) has caused, or is, in the opinion of an authorised person, likely to cause—

(A) personal injury or property damage; or

(B) a negative impact on the amenity of the surrounding area.’.

4 Insertion of new pt6A (Designated area for building appearance provisions)

After part 6—

insert—

‘Part 6A Designated area for building appearance provisions

13 Designated area for building appearance provisions

For section 21A of the authorising local law—

(a) the area indicated by hatching on the map in schedule 6A is declared to be a designated area; and

(b) the boundaries of the designated area are indicated by a bold line circumscribing the hatched area on the map in schedule 6A.’.

5 Amendment of sch5 (Prescribed requirements for community safety hazards)

Schedule 5, after item 6—

insert—

7	<p>A building or structure on premises the construction or design of which has caused, or is, in the opinion of an authorised person, likely to cause—</p> <p>(a) personal injury or property damage; or</p> <p>(b) a negative impact on the amenity of the surrounding area, for example, a building or structure with unsealed or non-existent undersides of awnings, eaves or soffits which allow birds, including pigeons, to roost in the awnings, eaves or soffits and discharge bird droppings on the footpath beneath the awnings, eaves or soffits.</p>	<p>The underside of the awnings, eaves or soffits must be sealed, or other preventative measures or action undertaken, so that birds, including pigeons, are not able to roost, or discharge droppings on, the footpath beneath the awnings, eaves or soffits, for example, the installation of stainless steel anti-roosting spikes.</p>
8	<p>A building or structure on premises the state of repair of which has caused, or is, in the opinion of an authorised person, likely to cause—</p> <p>(a) personal injury or property damage; or</p> <p>(b) a negative impact on the amenity of the surrounding area, for example, a building or structure with missing or damaged louvres, windows or roof tiles which allow birds, including pigeons, to enter, and roost in, the building or structure.</p>	<p>The responsible person must undertake preventative measures or action so the state of repair of the building or structure does not cause, or be likely to cause—</p> <p>(a) personal injury or property damage; or</p> <p>(b) a negative impact on the amenity of the surrounding area, for example, by the repair or replacement of all missing and damaged louvres, windows and roof tiles so that birds, including pigeons, are not able to enter, and roost in, the building or structure.</p>

6 Insertion of new sch6A (Designated area)

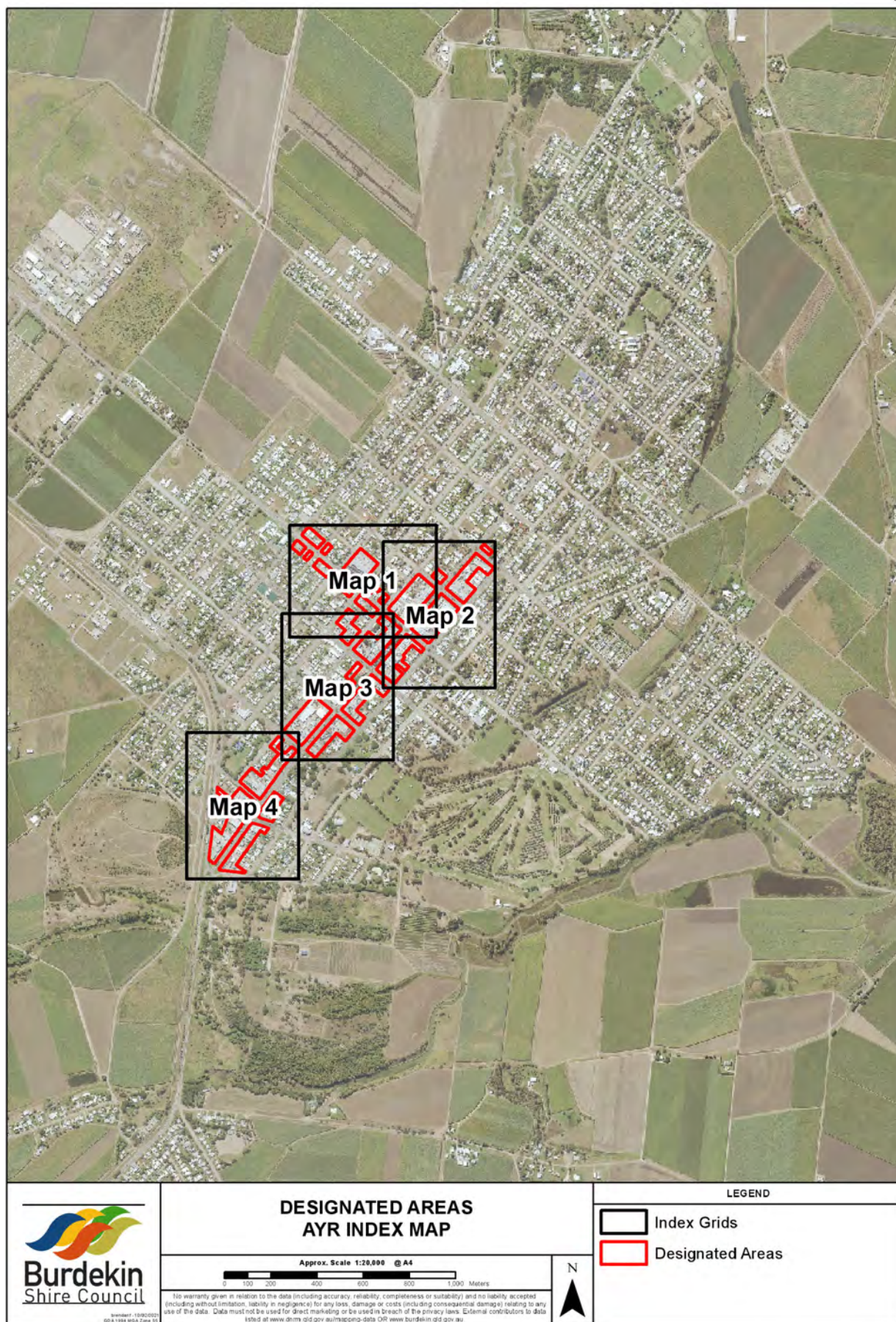
After schedule 6—

insert—

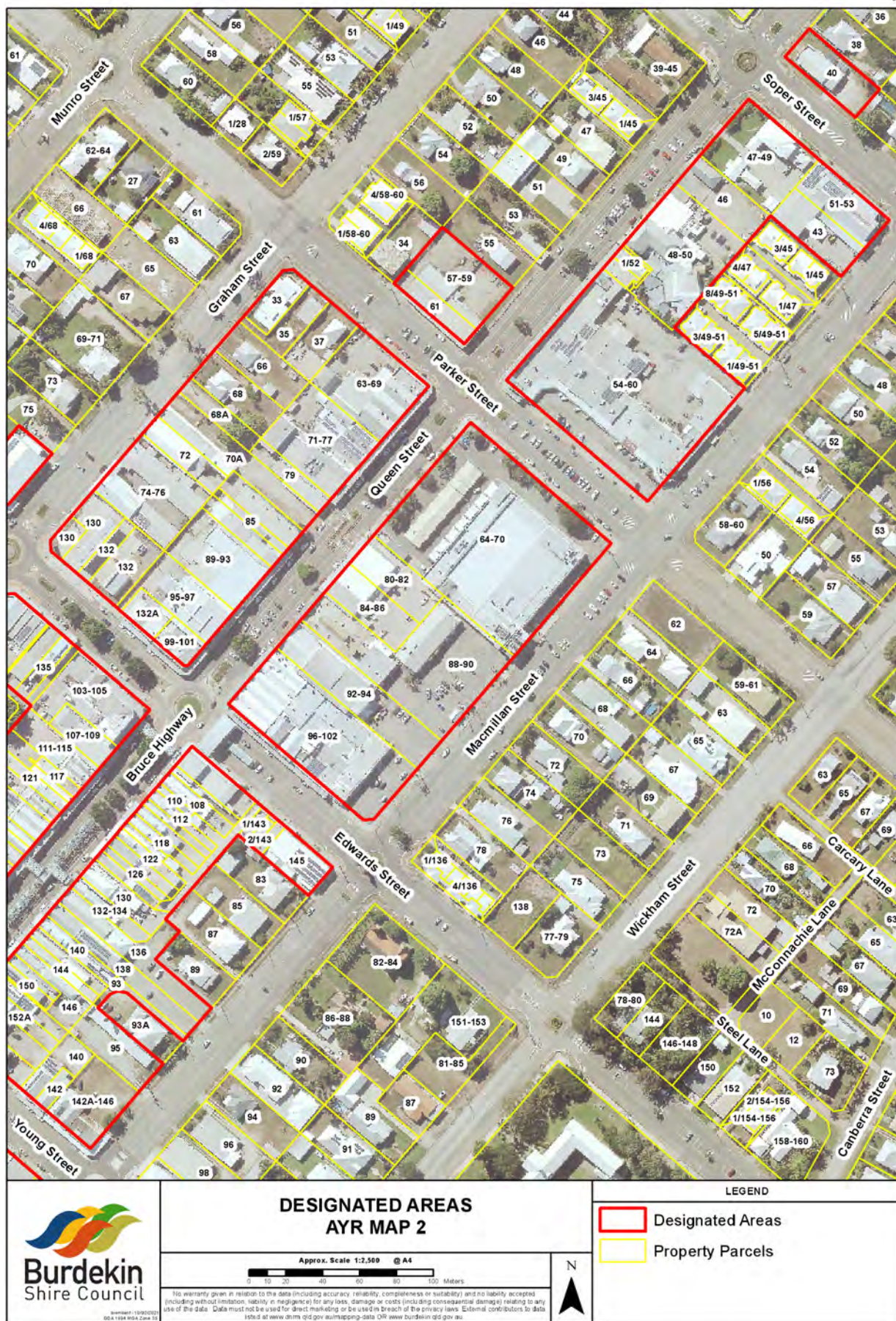
‘Schedule 6A Designated area

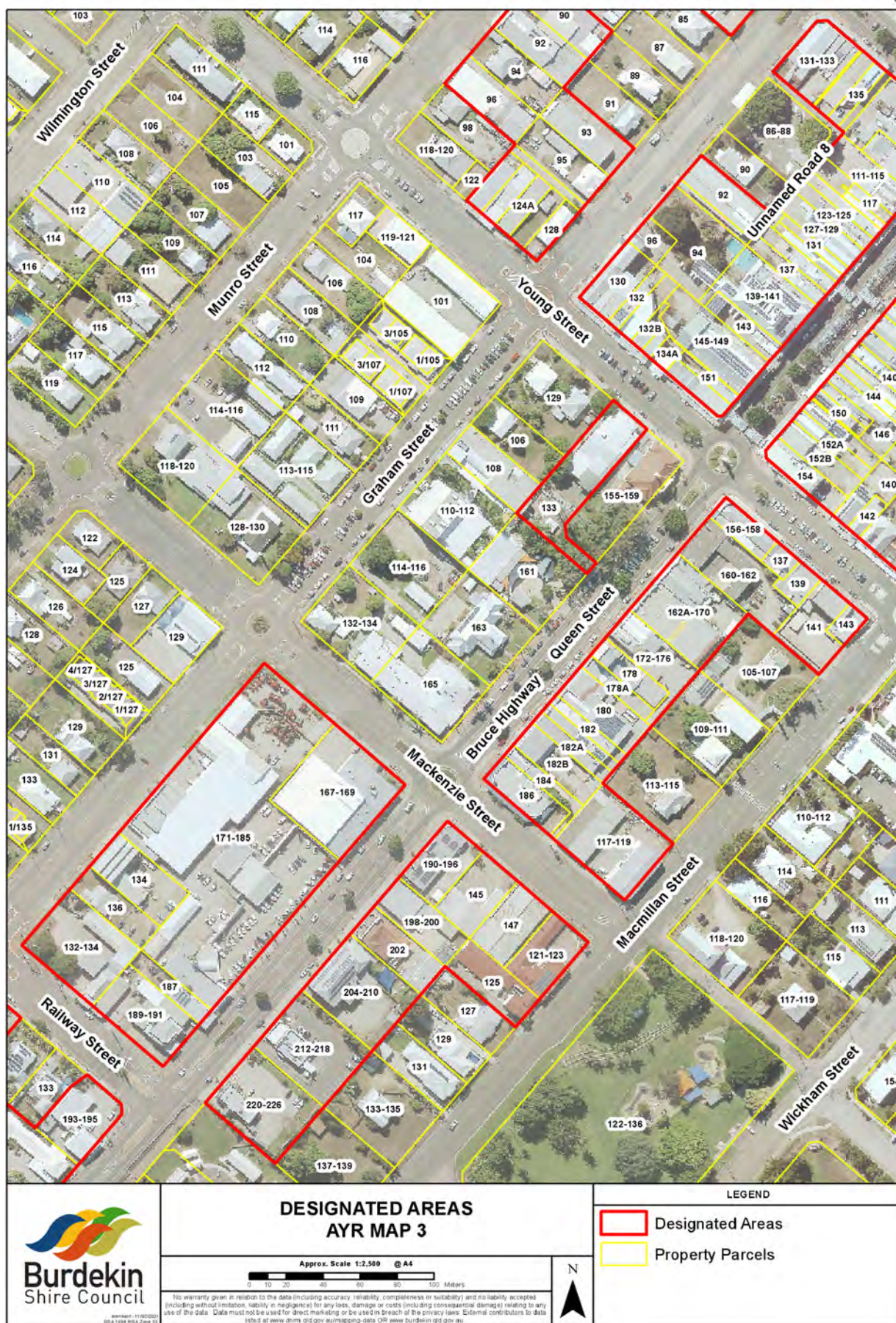
Section 13

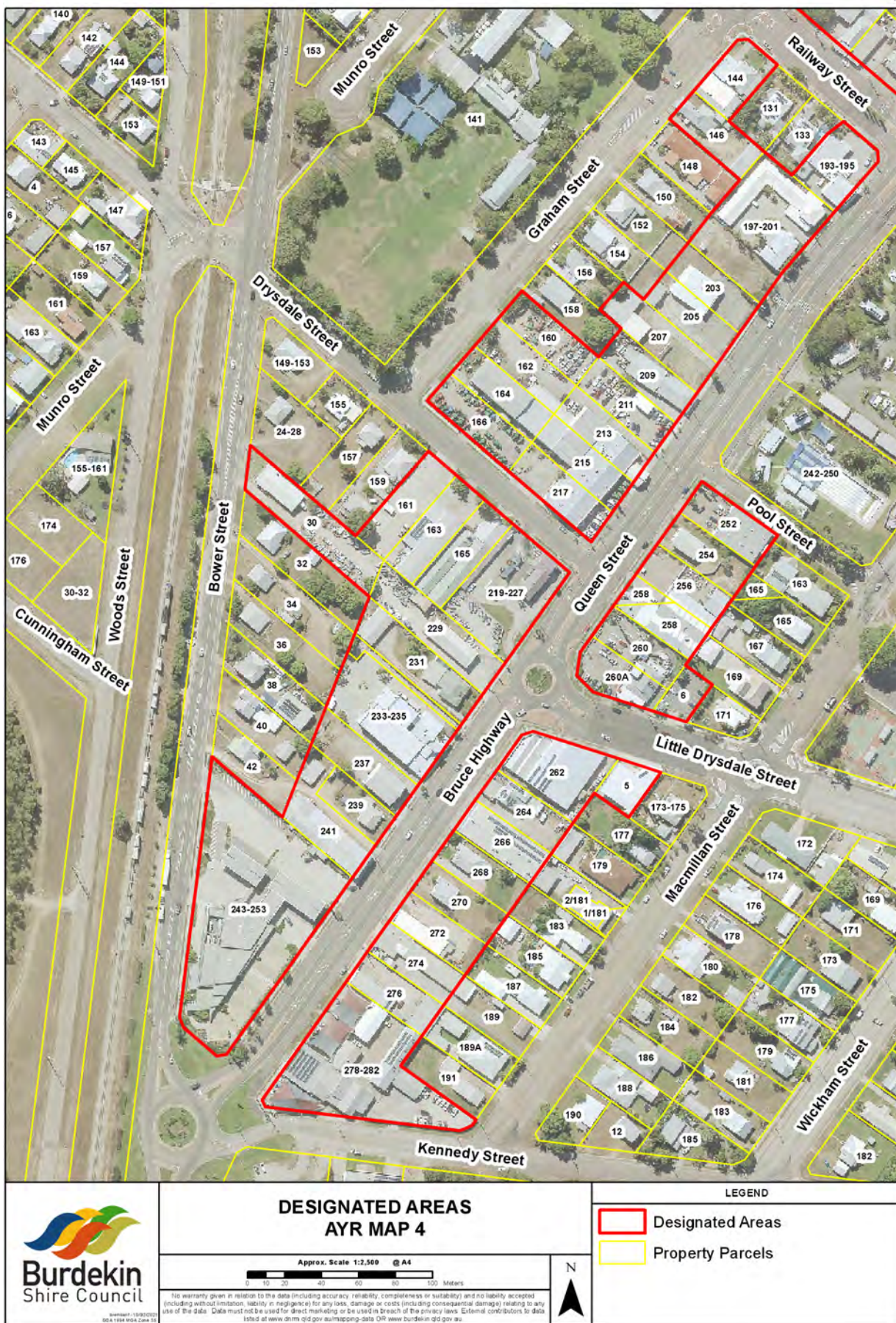
INSERT PLAN OF THE DESIGNATED AREA























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This and the preceding 13 pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021* made in accordance with the provisions of the *Local Government Act 2009* by Burdekin Shire Council by resolution dated the day of 2021.

.....
Chief Executive Officer

997170_1

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Local Law: Community and Environmental Management (Amendment) Local Law (No. 1) 2021

Purpose: The purpose of the local law is to amend *Local Law No. 3 (Community and Environmental Management) 2012*.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Local Law, section 4 (Insertion of new Part 6A (Building appearance in a designated area))	5 – prescribed standard 7 – business restriction	<p>The local government has prescribed standards that must be met by the owner of a building which is located in a designated area which must be met by the owner of the building. Compliance with the prescribed standards may have an impact on the conduct of a business activity.</p> <p>A compliance notice may require the owner of a building to take specified action to ensure that the appearance of a building in a designated area complies with the standards prescribed by the local government. Compliance with the requirements of the compliance notice may have an impact on the conduct of a business activity.</p>

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Subordinate Local Law: Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021

Purpose: The purpose of the subordinate local law is to amend *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate Local Law, section 3 (Amendment of section 10 (Community safety hazards — authorising local law, s17(c)))	5 – prescribed standard 7 – business restriction	A responsible person for a specified community safety hazard must meet prescribed requirements for the community safety hazard. Compliance with the prescribed requirements may have an impact on the conduct of a business activity.
Subordinate Local Law, section 4 (Insertion of new Part 6A (Designated area for building appearance provisions))	5 – prescribed standard 7 – business restriction	Standards are prescribed under the local law for the appearance of a building in a designated area in Council's local government area. Compliance with the prescribed standards may have an impact on the conduct of a business activity.
Subordinate Local Law, section 5 (Amendment of schedule 5 (Prescribed requirements for community safety hazards))	5 – prescribed standard 7 – business restriction	A responsible person for a specified community safety hazard must meet prescribed requirements for the community safety hazard. Compliance with the prescribed requirements may have an impact on the conduct of a business activity.

6.2 OPERATIONS

6.3 PLANNING AND DEVELOPMENT

6.4 TECHNICAL SERVICES

6.4.1 Quotations Received for QBSC/021/003 - Watson's Green, Home Hill - Warrior Course

File Reference 2118

Report Author Mr. James Gage – Project Manager

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

Meeting Date 23 February 2021

Link to Corporate/Operational Plan

Burdekin Shire Council Operational Plan 2020-2021

CD8 Continue to implement the Burdekin 10-Year Sport and Recreation Plan

CD11 Facilitate the development of a Master Plan for the Home Hill Watson's Green and Memorial Park

Executive Summary

As part of the development of the 2020-2021 Capital Program, Council earmarked \$60,000.00 to match \$60,000.00 funding through the State Government's Works For Queensland funding program to install active recreation exercise-focussed equipment in Watson's Green, Home Hill.

During the formulation of the Watson's Green and Home Hill Memorial Park master planning it was determined to seek quotations install Warrior Course equipment and utilise the \$120,000.00 capital budget to fund the project.

In accordance with Council's Procurement Policy, staff sourced quotations through QBSC/21/003 for the design, supply and installation of a Warrior Course at Watsons Green, Home Hill. At the time of closing three (3) quotations were received, and the proposals were assessed by an internal Project Team using a multi-criteria weighting and "Value for Money" approach.

The three (3) quotations and Warrior Course proposals were discussed with Councillors at a Workshop on 16 February 2021.

Due to the lead time required to source the equipment, and the 30 June 2021 deadline in which the project needs to be delivered and Works for Queensland funding expended, on 17 February 2021 staff placed an order with A_Space Australia Pty Ltd to design, supply and install a Warrior Course as per their quotation.

The purpose of this report is to formally advise Council of actions taken by staff and seek endorsement of same.

Recommendation

That Council:

1. acknowledges the content of this report and endorses the action taken by staff in accepting the lump sum quotation of \$129,995.00 excluding GST from A_Space Australia Pty Ltd as the highest scoring quotation received for QBSC/21/003 based on multi-criteria scoring and ranking;
2. approves the increase to total budget for the project of \$23,295.00 excluding GST which covers the following:
 - a. Budget variance to quotation price (\$9,995.00) excluding GST;
 - b. Service locations/inspections (\$1,200.00) excluding GST;
 - c. Lighting upgrade (\$2,500.00) excluding GST;
 - d. Provisional sum for Item 4.4.5 (B) (\$3,600.00) excluding GST;
 - e. Contingency (6,000.00); and
3. acknowledges that funds to increase the project budget as outlined in point (2) above, are to be sourced from savings from approved 2020-21 Capital projects.

Background

The original high-level concept scope for this project was to provide a Warrior-style playground/course for the teenage/adult demographic.

The project includes the design, supply and installation of a teens to adult outdoor Warrior Course for community play and wellness under Council's 10 year Sport and Recreation Plan.

This project has received \$60,000.00 grant funding from Works for Queensland 3, to go towards project funding. Council approved Sixty Thousand Dollars (\$60,000.00) excluding GST from the Capital Works Program for a total budget of \$120,000.00.

At the time of closing, conforming quotations were received from three suppliers as follows:

- Urban Play;
- A_Space; and
- Will Play.

Council used a multi-criteria assessment scoring based on:

- Experience;
- Resources;
- Methodology;
- Local Content; and
- Price.

Council's specification for the project was offered by all quoting companies and the quality of all proposals submitted varied considerably. While all quoting parties were identified as being capable of undertaking the work to Council's standards, the proposal from A_Space Australia Pty Ltd reflects Council's requirements and provides the best design within the scope and standards required while providing the best value for money.

Company Quotation	Weighted Score	Ranking
Urban Play (Option 1)	N.C.	N.C.
Urban Play (Option 2)	84/100	2
A_Space	91/100	1
Will Play	68/100	3

The total construction period of the project is estimated to be 10-12 weeks and falls within the funding program timeframes.

Budget & Resource Implications

Original Budget of \$120,000.00 is made up of Works for Queensland Program funding of \$60,000.00 and Burdekin Shire Council Capital Works Program of \$60,000.00.

Budget to be increased at the second revised budget to \$143,295.00 excluding GST in line with recommendation.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

Pedestrian/Park Safety is to be prioritised throughout the project, with the Contractor working in conjunction with Council to safely manage community expectations.

There will be no traffic disturbance due to the location of the site and required fencing of the construction site.

Underground Services have been physically located by Council for design safety and will be confirmed by contractor prior to any excavation or construction works.

Potential weather delays to the project will be managed by the Contractor and Council programming the sequence of works and having contingencies in place to deal with weather events.

Attachments

1. Watson's Green Warrior Course Concept.

Burdekin Shire Council
Watson's Green Park



Watson's Green Park Warrior Instructional signage



Event 1- Quin Steps
Starting from the first step, jump across the rest to reach the mound at the end.



Event 2 -Inside Out Bars
Scale the bars from underneath working your way from the high end to the low end.



Event 3 - Elevated Cargo Net
Climb across the elevated net to reach the next obstacle.



Event 4 - The Plank
Make your way from one end of the swinging plank to the other.



Event 5 – The Big Fling
Starting on the launch mound, leap to the swinging bar and launch yourself onto the landing pad.



Event 6 – The Cliffhanger
Climb across the uneven bars from one end to the other.



Event 7 – Field Of Rings
Swing through the 3 rings from one end to the other



Event 8 – Jungle Bars
Navigate the uneven bars from one end to the other



Event 9 -Rail Climber
Make your way down the rails.

Date
15/02/2020

Drawing ref
D63752-1A

a_space range / s
Park Warrior

Colour scheme*
Equipment: Intensity Orange, Uprights: Charcoal Satin
Undersurfacing: Rubber (67% Black, 33% Grey & 90% Black, 10% Grey CSBR Pads)

Specification
Marine

This drawing is subject to copyright and is confidential | *Drawing and colours are indicative only and do not represent true scale

7 NOTICE OF MOTION

8 RECEIPT OF PETITIONS

9 CORRESPONDENCE FOR INFORMATION

Tabled Separately

10 GENERAL BUSINESS

11 CLOSED BUSINESS ITEMS

12 DELEGATIONS

