



# Burdekin Shire Council

## **AGENDA**

### **ORDINARY COUNCIL MEETING**

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

**on 09 March 2021**

**COMMENCING AT 9:00AM**

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# Burdekin Shire Council

TUESDAY 9 MARCH 2021

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## **1 PRAYER**

## **2 DECLARATIONS OF INTEREST**

## **3 MINUTES AND BUSINESS ARISING**

### **3.1 Ordinary Council Meeting Minutes - 23 February 2021**

#### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 23 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 23 February 2021**

**COMMENCING AT 9:00AM**



# Burdekin Shire Council

TUESDAY 23 FEBRUARY 2021

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Ordinary Council Meeting 23 February 2021



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## **ATTENDANCE**

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

Mr. T. Brennan - Chief Executive Officer  
Mr. N. O'Connor – Director Corporate and Community Services  
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services  
Mr. D. Mulcahy – Manager Environmental and Health Services (Part)  
Mrs. K. Olsen - Manager Financial and Administrative Services (Part)  
Mr. W. Saldumbide - Manager Operations (Part)

Minutes Clerk – Miss. M. Price-Wilson.

Apologies: Councillor L.A. McLaughlin (Mayor) – Attending Townsville Enterprise Limited (TEL) Delegation in Canberra as Council's endorsed representative.

## **1 PRAYER**

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

## **2 DECLARATIONS OF INTEREST**

The Deputy Mayor called for declarations of interest.

No declarations of interest were identified.

## **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.

#### **Resolution**

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

CARRIED

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### **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.

#### **Resolution**

Moved Councillor Musumeci, seconded Councillor Boccalatte that the recommendation be adopted noting the correction in Item 10 – Alwyn Land be amended to Alwyn Lane.

CARRIED

### **3.3 Burdekin Economic Development Advisory Group Meeting Minutes - 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.

#### **Resolution**

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

CARRIED

## **4 EXECUTIVE**

### **4.1 CEO**

#### **4.1.1 Council Workshop - January 2021**

##### **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.

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**Recommendation**

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

**Resolution**

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

CARRIED

**4.1.2 Media Policy****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.

**Resolution**

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

CARRIED

**4.1.3 Social Media Policy****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.

**Resolution**

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

CARRIED

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## **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.

##### **Resolution**

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

CARRIED

*9.29am Mrs. Olsen left the meeting.*

### **5.4 GOVERNANCE**

#### **5.4.1 Audit Committee - Tenure of Independent Professional Member**

##### **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.

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### **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.

### **Resolution**

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

CARRIED

*9.30am Mr. Saldumbide entered the meeting.*

*9.32am Mr. Mulcahy entered the meeting.*

## **5.4.2 Expansion of Ayr Industrial Estate**

### **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.

### **Resolution**

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

CARRIED



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

#### **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 and charges is fulfilled.

#### **Resolution**

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

CARRIED

## **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**

#### **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 Law 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.

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### **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.

### **Resolution**

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

CARRIED

*10.01am Mr. Mulcahy left the meeting.*

## **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**

#### **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 to install Warrior Course equipment and utilise the \$120,000.00 Capital Budget to fund the project.

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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; and
  - e. Contingency (6,000.00);
3. acknowledges that funds to increase the project budget as outlined in point (2) above, are to be sourced from savings from approved 2020-2021 Capital Projects.

### **Resolution**

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

CARRIED

## **7 NOTICE OF MOTION**

## **8 RECEIPT OF PETITIONS**

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## **9 CORRESPONDENCE FOR INFORMATION**

### **9.1 Letter of Support - Home Hill Boat Club**

#### **Resolution**

Moved Councillor Musumeci, seconded Councillor Furnell that Council write a letter of support for the Home Hill Boat Club to assist with the Federal Government Funding Application through the Stronger Communities Programme Round six (6) to erect a new Shaded Community Area in the Groper Creek Public Carpark.

CARRIED

## **10 GENERAL BUSINESS**

## **11 CLOSED BUSINESS ITEMS**

## **12 DELEGATIONS**

There being no further business the meeting closed at 10.25am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 9 March 2021.**

**MAYOR**

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### 3.2 Minutes - Audit Committee Meeting - 10 February 2021

<b>File Reference</b>	388
<b>Report Author</b>	Ms. Stevie Moffat – Governance Support Officer
<b>Authoriser</b>	Mrs. Rebecca Stockdale – Senior Governance Officer
<b>Meeting Date</b>	9 March 2021

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#### **Purpose**

This report provides the Minutes of the Audit Committee Meeting held on Wednesday, 10 February 2021.

#### **Summary of recommendations and actions for consideration and adoption:**

##### Item 3 – Audit Committee Meeting Schedule and Agenda Items

That the Committee endorse the 2021 Audit Committee Meeting Dates and Agenda Items Schedule, subject to consideration of any changes to the External Audit and Financial Reporting Timetable.

##### Item 4.1 – External Audit & Financial Reporting Timetable

That the Committee endorse the External Audit and Financial Reporting Timetable at the next Audit Committee Meeting.

##### Item 5 – QAO Briefing

That the Committee note the QAO December 2020 Audit Committee Briefing.

##### Item 6.1 – Result of Audit and Follow Up with Management

That the Committee note the briefing regarding the progress toward implementing the Waste Levy Best Practice recommendations.

##### Item 7.1 – Review of Internal Audit Plan

That the Committee note the 2020/2021 Internal Audit Plan and endorse the scheduled activities.

##### Item 7.2 – Internal Audit Briefing

That the Committee note the Internal Audit Activity Report.

##### Item 8.1 – Risk Management Briefing

That the Committee note the Risk Management Briefing.

##### Item 8.2 – Fraud and Corruption Control Plan

That the Committee note and endorse the proposed approach to the review of the Fraud and Corruption Control Plan.

##### Item 8.3.1 – Management Report on Progress

That the Committee note all management comments and endorse the proposed revised due dates.

##### Item 8.3.2 – Asset Management Agreed Management Action Items

That the Committee endorse the recommendation that the Asset Management agreed management action items be accepted as complete, and management is to provide the Committee with an annual update on the implementation of the Asset Management Framework and Asset Management Roadmap.

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Item 8.3.3 – ICT Agreed Management Action Items

That the Committee note the ICT General Controls agreed action items and management updates, and management is to provide the Committee with an update of the ICT General Controls at the next meeting for the revised due dates to be endorsed.

Item 9.1 – Review of Self-Assessment Survey Results

That the Committee note the 2020 Audit Committee Performance Assessment Survey results.

Item 10.1 – Position of Independent Professional Member Vacancy – March 2021

That the Committee endorse the recommendation that Mr. Fahey be reappointed to Independent Professional Member for a further term and a separate report to be submitted to Council for consideration.

**Recommendation**

That:

1. the minutes of the Audit Committee Meeting held on Wednesday, 10 February 2021 be noted; and
2. the recommendations as detailed in the minutes and summarised in Items 3 to 10.1 above be adopted.

**Attachments**

1. Minutes – Audit Committee Meeting – 10 February 2021.

## Meeting Minutes

<b>Meeting</b>	Audit Committee Meeting		
<b>Date</b>	Wednesday, 10 February 2021	<b>Time</b>	9:00 am
<b>Attendees</b>	Mr. Ian Jessup – Independent Chairperson Mr. Jim Fahey – Independent Professional Member Cr. Michael Detenon – Member Cr. Sue Perry – Member Ms. Donna Sinanian – External Auditor and Partner - Crowe Horwath Ms. Tracey Mayhew – External Auditor and Senior Manager (Audit & Assurance) - Crowe Horwath Ms. Cathy Blunt – Internal Auditor and Principal - O'Connor Marsden & Associates Ms. Ashita Lal – Audit Manager - Queensland Audit Office (via Telephone) Mr. Terry Brennan – Chief Executive Officer Mr. Nick O'Connor – Director Corporate and Community Services Mrs. Kim Olsen – Manager Financial and Administrative Services (Part) Mrs. Kathy Cortabitarte – Financial Accountant Systems Mrs. Rebecca Stockdale – Senior Governance Officer		
<b>Apologies</b>	Mr. Jim Nuttall – Independent Community Member Mrs. Lyn McLaughlin – Mayor Mr. Nick Wellwood – Director Infrastructure Planning and Environmental Services		
<b>Chairperson</b>	Mr. Ian Jessup – Independent Chairperson		
<b>Minutes Clerk</b>	Ms. Stevie Moffat – Governance Support Officer		
<b>Location</b>	John Drysdale Chambers		

### Minutes

#### 1. Apologies

Mr. Jessup acknowledged the apologies that were received for this meeting.

#### 2. Minutes of the Audit Committee Meeting held on 16 September 2020

Minutes of the previous Audit Committee Meeting held on 16 September 2020 were circulated to Committee Members ahead of the meeting.

Moved Mr. Jessup, seconded Cr. Detenon that the minutes from the previous meeting be formally adopted by the Committee. Carried.

#### 3. Audit Committee Meeting Schedule and Agenda Items

The Committee discussed the 2021 Audit Committee Meeting Dates and Agenda Items as circulated to the Committee prior to the meeting.

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Mrs. Olsen provided suggestions to alter the Audit Committee Meeting Dates and Agenda Items Schedule to allow for the scheduled June meeting to be held later in the year.

The Committee agreed to endorse the 2021 Audit Committee Meeting Dates and Agenda Items Schedule, subject to consideration of any changes to the External Audit and Financial Reporting Timetable. Should any changes arise, a draft would be agreed by circulating minute.

#### **4. Financial Reporting**

##### **4.1 External Audit & Financial Reporting Timetable**

Mrs. Olsen advised the Committee that the External Audit and Financial Reporting Timetable would be discussed with the External Audit contractors and the final timetable is to be presented for endorsement at the next Audit Committee Meeting.

The Committee agreed to endorse the External Audit and Financial Reporting Timetable at the next Audit Committee Meeting.

#### **5. QAO Briefing**

Ms. Lal provided an overview of the QAO December 2020 Audit Committee Briefing as circulated to the committee prior to the meeting.

Ms. Lal highlighted key focus areas, notably the transition to a new web-based dashboard system for following up audits.

The Committee noted the QAO December 2020 Audit Committee Briefing.

#### **6. External Audit**

##### **6.1 Result of audit and follow up with management**

Mrs. Cortabitarte and Mr. O'Connor briefed the committee on management's progress toward addressing the Waste Levy Best Practice recommendations. The implementation of the Waste Management Software is complete which largely addresses the best practice recommendations. However, the documentation of procedures are still progressing, and the timeframe has been extended to 31 March 2021. An external consultant has been engaged to provide an external audit of the full year of waste levy transactions.

The Committee noted the briefing regarding the progress toward implementing the Waste Levy Best Practice recommendations.

#### **7. Internal Audit**

##### **7.1 Review of Internal Audit Plan**

Mrs. Blunt provided a brief of the 2020/2021 Internal Audit Plan as circulated to the Committee prior to the meeting. No significant overlaps between Internal Audit and External Audit were identified.

The Committee noted the 2020/2021 Internal Audit Plan and endorsed the scheduled activities.

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## **7.2 Internal Audit Briefing**

Mrs. Blunt provided a brief of the Internal Audit Activity Report as circulated to the Committee, noting that one scheduled audit had been postponed due to staff availability. It was also noted that the internal audit for the Rates and Charges review was due to commence next week and planning was underway for the Business Continuity and Disaster Management Audit in Q4.

The Committee noted the Internal Audit Activity Report.

## **8. Management Updates**

### **8.1 Risk Management Briefing**

Mrs. Stockdale provided a Risk Management Briefing as circulated to the Committee prior to the meeting. It was noted that the annual review of Operational Risk Registers had been completed and a workshop session with Council had been conducted to review the Strategic Risks of Council.

Mrs. Stockdale also briefed the Committee on the business case that had been prepared for a Risk Management Software solution in response to recommendations from internal audit.

The Committee noted the Risk Management Briefing.

### **8.2 Fraud and Corruption Control Plan**

Mrs. Stockdale provided a brief of the proposed approach to the review of the Fraud and Corruption Control Plan. The review will commence in the current quarter and will be guided by the recent Internal Audit recommendations and trends identified by key agencies such as the CCC.

The Committee noted and endorsed the proposed approach to the review of the Fraud and Corruption Control Plan.

### **8.3 Internal Audit Action Items**

#### **8.3.1 Management Report on Progress**

A full report on all outstanding Internal Audit Action Items was provided to the Audit Committee ahead of the meeting. The report provided management comments on progress to date of the implementation of agreed action items.

The Committee noted all management comments and endorsed the proposed revised due dates.

#### **8.3.2 Asset Management Agreed Management Action Items**

The Committee noted the Asset Management agreed management action items were laid on the table from the previous Audit Committee Meeting on 16 September 2020 pending the review of the Asset Management Framework and Asset Management Roadmap documents that were provided by Mr. Nick Wellwood – Director Infrastructure, Planning and Environmental Services.

Moved Mr. Jessup, seconded Cr. Perry that the Asset Management agreed management action items be accepted as complete, and management is to provide the Committee with an annual update on the implementation of the Asset Management Framework and Asset Management Roadmap. Carried.

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### **8.3.3 ICT Agreed Management Action Items**

The Committee noted the ICT General Controls agreed action items and management updates, and management is to provide the Committee with an update of the ICT General Controls at the next meeting for the revised due dates to be endorsed.

## **9. Audit Committee Performance**

### **9.1 Review of Self-Assessment Survey Results**

Mrs. Stockdale provided a brief of the 2020 Audit Committee Performance Assessment Survey as circulated to the Committee prior to the meeting, noting there were no significant areas for improvement identified.

The Committee noted the 2020 Audit Committee Performance Assessment Survey results.

## **10. Other Business**

### **10.1 Position of Independent Professional Member Vacancy – March 2021**

Mrs. Stockdale advised the Committee that the Independent Professional Member position of Mr. Jim Fahey will become vacant in March 2021. The Committee concluded that it would be suitable for Mr. Fahey to be reappointed to the position for a further term, in accordance with the adopted Audit Committee Charter.

The Committee endorsed the recommendation that Mr. Fahey be reappointed to Independent Professional Member for a further term. Mrs. Stockdale will prepare a meeting report recommending that Council extend Mr. Fahey's tenure for a further 4-year period.

### **10.2 Other Matters**

#### **10.2.1 Mr. Terry Brennan – Chief Executive Officer**

Mr. Brennan advised that negotiations for a new Enterprise Bargaining Agreement were postponed in 2020 due to COVID-19. Negotiations with relevant Union Organisers and Employee Delegates for a new Certified Agreement will commence on Thursday, 11 February 2021.

Mr. Brennan also advised the Committee that Council will propose to submit an application under the Building Better Regions Fund. The Fund supports the Federal Government's commitment to create jobs, drive economic growth and build stronger regional communities into the future. Council will be seeking 50% funding as a contribution to the infrastructure costs for the Ayr Industrial Estate Expansion Project.

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

Mr. O'Connor advised that the Internal Audit contract with O'Connor Marsden will end 30 June 2021. Request for Quotations are scheduled to commence approximately early April via VendorPanel. The matter will be presented to the Committee prior to this occurring for endorsement.

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There being no further business, the meeting closed at 10:12am.

**The next meeting will be held on Wednesday, 5 May 2021.**

Mr. Ian Jessup

Chairman

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**Agreed Recommendations to Council**

Minute Item	Recommendation
3	That the Committee endorse the 2021 Audit Committee Meeting Dates and Agenda Items Schedule, subject to consideration of any changes to the External Audit and Financial Reporting Timetable.
4.1	That the Committee endorse the External Audit and Financial Reporting Timetable at the next Audit Committee Meeting.
5	That the Committee note the QAO December 2020 Audit Committee Briefing.
6.1	That the Committee note the briefing regarding the progress toward implementing the Waste Levy Best Practice recommendations.
7.1	That the Committee note the 2020/2021 Internal Audit Plan and endorse the scheduled activities.
7.2	That the Committee note the Internal Audit Activity Report.
8.1	That the Committee note the Risk Management Briefing.
8.2	That the Committee note and endorse the proposed approach to the review of the Fraud and Corruption Control Plan.
8.3.1	That the Committee note all management comments and endorse the proposed revised due dates.
8.3.2	That the Committee endorse the recommendation that the Asset Management agreed management action items be accepted as complete, and management is to provide the Committee with an annual update on the implementation of the Asset Management Framework and Asset Management Roadmap.
8.3.3	That the Committee note the ICT General Controls agreed action items and management updates, and management is to provide the Committee with an update of the ICT General Controls at the next meeting for the revised due dates to be endorsed.
9.1	That the Committee note the 2020 Audit Committee Performance Assessment Survey results.
10.1	That the Committee endorse the recommendation that Mr. Fahey be reappointed to Independent Professional Member for a further term and a separate report to be submitted to Council for consideration.

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### **3.3 Local Disaster Management Group Meeting Minutes - 19 February 2021**

#### **Recommendation**

That the minutes of the Local Disaster Management Group Meeting held on 19 February 2021 be received as a true and correct record.

## Local Disaster Management Group Meeting

Held on 19 February 2021 at 12.00pm  
Council Administration Building – John Drysdale Chambers

1. Attendance		
Core Members		
Councillor Sue Perry	Deputy Mayor – Deputy Chairperson	Burdekin Shire Council
Ms. Eileen Devescovi	Local Disaster Coordinator	Burdekin Shire Council
Mr. Wayne Saldumbide	Manager Operations	Burdekin Shire Council
Ms. Linda Govan	Coordinator Environment and Health Projects	Burdekin Shire Council
Senior Sergeant Steven Barton	Officer in Charge – Ayr	Queensland Police Service
Mr. Brett Maguire	Officer in Charge – Ayr	Queensland Ambulance Services
Mr. Andy Pethybridge (Phone)	Emergency Management Coordinator	Queensland Fire and Emergency Services
2. Apologies – Core Members		
Councillor Lyn McLaughlin	Mayor – Chairperson	Burdekin Shire Council
Mr. Nick Wellwood	Director Infrastructure, Planning and Environmental Services	Burdekin Shire Council
Ms. Debra Cochran	Welfare – Chief Executive Officer	Burdekin Community Association
Mr. Steven Knight	Area Commander of Southern Command	Queensland Fire and Emergency Services
Mr. John Winn	Local Controller	State Emergency Services
Advisors		
Mr. Sam Savage	Community and Partnerships Development Officer	Australian Red Cross
Ms. Tracey Hobbs	Service Coordinator – Rural Health	Burdekin Community Association
Councillor John Furnell	Councillor	Burdekin Shire Council
Mr. Terry Brennan	Chief Executive Officer	Burdekin Shire Council
Mrs. Sharon Galeano (Phone)	Senior Community Recovery Officer	Department of Communities, Disability Services and Seniors
Mr. Mark Biffanti	Customer Delivery Manager – Herbert	Energy Queensland
Ms. Jo Beadle (Phone)	Queensland State Manager – Disaster Recovery	GIVIT
Ms. Clarice Fletcher (Phone)	Community Recovery Service Leader	Lifeline Community Recovery
Mr. Stuart McDonald	Business Lead	nbn Local
Mr. Greg Vincett	Officer in Charge - Ayr	Queensland Fire and Rescue
Mrs. Tracey Gabiola (Phone)	Director of Nursing – Ayr Hospital	Queensland Health
Acting Senior Sergeant John Searle (Phone)	Executive Officer – DDMG Townsville	Queensland Police Service
Sergeant Steve Wilson	Officer in Charge – Home Hill	Queensland Police Service
Ms. Kirsty Beavington (Phone)	Policy Program Manager	Queensland Reconstruction Authority
Ms. Jade Christensen	Regional Liaison Officer	Queensland Reconstruction Authority
Mr. Charles Scuderi	Radio Announcer	Radio 97.1 Sweet FM
Mr. John Tait	Cane Supply Manager – Inkerman	Wilmar

## Local Disaster Management Group Meeting

Held on 19 February 2021 at 12.00pm  
Council Administration Building – John Drysdale Chambers

Apologies – Advisors		
Mrs. Rebecca Grogan	Housing and Community Support Services Coordinator	Burdekin Community Association
Mr. Bradley Hutchinson	Safety and Productivity Coordinator	Burdekin Shire Council
	Deputy Controller	State Emergency Services
Mrs. Janai Giddy	Deputy Disaster Management Officer	Burdekin Shire Council
Mr. Nathan Toll	Media and Communications Officer	Burdekin Shire Council
Mr. George Christensen	Member of Parliament	Federal Member of Dawson
Mr. Charles Papale	Operations Manager	Lower Burdekin Water Board
Mr. Steve Brennan	Station Officer – Home Hill	Queensland Fire and Rescue
Mr. Kevin Trueman	Officer in Charge – Ayr	Queensland Fire and Rescue
Mr. Brenton Webb	Executive Officer – DDMG	Queensland Police Service
Ms. Helen Davey	General Manager – Ayr & Home Hill	Regis
Mrs. Paulette Brosnan	Assistant Manager – Home Hill	Regis
Mr. Lionel Tappenden	VMR Boat Officer	Volunteer Marine Rescue
Minutes Clerk – Mrs. A. Dale		

### 3. Minutes Received

#### MINUTES OF THE BURDEKIN SHIRE COUNCIL LOCAL DISASTER MANAGEMENT GROUP MEETING HELD ON 22 JANUARY 2021.

Moved Ms. Linda Govan, seconded Mrs. Eileen Devescovi that the minutes of the Burdekin Shire Council Local Disaster Management Group Meeting held on Friday, 22 January 2021 be received as a true and correct record.

CARRIED

### 4. Business Arising out of Minutes

The following amendments were noted:

1. Mr. Charlie Papale was an apology.
2. Item 10 – Fire and Rescue Services 2021 Australia Day Achievement Awards should read Alwyn Lane.

### 5. Correspondence for Information

**1629076** - Information - Storm and Cyclone Season 2020-2021 - Community Recovery General Information Pack - Disability Inclusive Disaster Risk Reduction Project - Minister for Communities and Housing - Minister for Digital Economy and Minister for the Arts

### 6. Agency Reports

#### 6.1 Mr. Wayne Saldumbide – Burdekin Shire Council

1. With the recent rainfall, Officers have not been able to work on roadworks programs and have instead been clearing drainage paths – Business as usual.

#### 6.2 Mr. Mark Biffanti – Energy Queensland

1. Maintaining status quo and continuing to monitor the weather – Business as usual.

#### 6.3 Mr. Andy Pethybridge – Queensland Fire and Emergency Services

1. Please refer to attached report.

#### 6.4 Mr. Sam Savage – Australian Red Cross

1. Looking at conducting support workshops in partnership with Queensland Farmers Federation around good decisions in tough times. Due to COVID-19 workshops have been postponed and are proposed to be conducted on-line in mid-March. Details to be provided at a later date.
2. ARC have finalised a MOU with Hinchinbrook Shire Council and Townsville City Council.

#### 6.5 Mr. Jade Christensen – Queensland Reconstruction Authority

1. Funding schedules will be due shortly for funding received by Burdekin Shire Council.
2. The next round of funding for Queensland Resilience and Risk Reduction Fund (QRRRF) will be released in March.

#### 6.6 Mrs. Tracey Gabiola – Queensland Health – Ayr Hospital

1. There has been an increase in activity across the district.
2. Vaccine administering for all staff will commence on 5 March 2021.

### 7. Local Disaster Coordinator Update

#### 7.1 Burdekin and Haughton Flood Resilience Strategy – Queensland Reconstruction Authority

The Burdekin Shire Council along with 10 other Local Governments within the Burdekin River and Haughton River Catchments have been involved in the development of the Burdekin and Haughton Flood Resilience Strategy. QRA have also met with other non-Local Government Agencies such as Ergon, NBN, Telstra, Wilmar, Sunwater and other local farming families covering cane, vegetables, and mangoes.

QRA have facilitated six Big Map Workshops in which the Burdekin Shire Council has participated in three hosting the first workshop at the Burdekin Memorial Hall. QRA have had numerous community workshops and all information provided has helped QRA develop to date a “draft” strategy. This is the sixth Flood Resilience Strategy that has been developed by QRA and as such it is expected to be one of the most detailed. The Burdekin catchment is one of the biggest in Queensland and Haughton is one of the most prone to flooding events.

Information from the strategy is intended to be used by the Community and as such the strategy is designed to have sections that provide information about townships within our region. Information contained will give an overview of the town and its characteristics.

Another great feature of the Strategy is the development of informational posters designed to provide advice to the community on flooding events, levels, and historical information in relation to flood levels and activities.



### 7.2 Barratta Creek Flood Study – Queensland Reconstruction Authority

As the Burdekin and Haughton Flood Resilience Strategy is nearing its completion, it has been identified that a flood study of the Barratta Creek system is required. This system has limited flood study history and minimal flood gauges and is prone to flash flooding and extended flooding events. This flood study must be completed by 30 June 2021 and QRA are going out to tender. More information to come from QRA.

### 7.3 Meeting Room Projector Update

The Burdekin Shire Council was successful in gaining funding through the FNQ and NQ Monsoon Trough Flexible Funding Grant – Cat C for the replacement and upgrade of our Projectors and AV system for the John Drysdale Chambers, John Hy Peake, Ernie Ford, and Depot Training Room. All projectors and screens have now been installed. Improved sound systems, speakers and AV connectivity have been installed in the Chambers. Training has been completed.

### 7.4 Giru Variable Message Board Update

The Burdekin Shire Council was also successful in gaining funding through the same grant for the installation of Variable Message Board for the Township of Giru. Final quotation for expenses has been approved and the purchase order amended. The delivery and installation are set to begin the week of Monday 1 March 2021.

## 8. General Business

### 8.1 Mr. Brett Maguire – Queensland Ambulance Service

1. Mr. Maguire made mention that Claredale Pastures will be housing Pacific Islanders to commence in March. There will be 48 people arriving at a time and will require to quarantine for 14 days prior to being distributed amongst farmers in the Burdekin Shire. Plans have been developed for quarantine people should there be sickness or an emergency situation. There are approximately 600-700 Pacific Islanders expected to arrive and complete quarantine through this initiative initiated by the Department of Agriculture and Forestry – State Level.
2. Once the 14-day quarantine period has been served, people are able to move into the community and into Backpacker accommodation.
3. There are particular farmers that these backpackers will be contracted to.

There being no further business the meeting closed at 12.30pm.

The next meeting will be held on 19 March 2021.

CHAIRPERSON

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## 4 EXECUTIVE

### 4.1 CEO

#### 4.1.1 Council Workshops - February 2021

**File Reference** 1394

**Report Author** Mr. Terry Brennan - Chief Executive Officer

**Authoriser** Mr. Terry Brennan - Chief Executive Officer

**Meeting Date** 9 March 2021

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

Burdekin Shire Council Corporate Plan 2017-2022

5.3.1 Demonstrate open and transparent leadership

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### **Executive Summary**

The Council conducted two (2) Workshops during the past month on 2 and 16 February 2021 with a range of policy and operational issues discussed by Councillors and staff.

A brief summary of the Items discussed at the Workshops is outlined in the report.

### **Recommendation**

That the report on the Council Workshops held on 2 and 16 February 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.

During the past month Workshops were held on 2 and 16 February 2021 covering a range of policy and operational issues. Presentations by external parties also occurred.

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

#### **2 February 2021**

- Sale of Land for Rate Arrears;
- Risk Management Quarterly Briefing and Review of Strategic Risk Register;
- Operational Plan Q2 Report;
- Conley Street, Ayr Drainage Tender;
- Preparation of Arts and Cultural Strategy;
- Local Law Amendments – Mapping of Proposed Areas;
- Proposed Local Law Amendments – Keeping of Horses; and
- Local Roads and Community Infrastructure Program (LRCIP) - Endorsement of Proposed Projects.

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**16 February 2021**

- Seasonal Worker Update and On-Farm Quarantine Arrangements;
- Presentation – Bowen Gumlu Growers Association;
- Review of existing Media and Social Media Policies;
- Print Advertising Arrangements;
- Home Hill Boat Club – Contribution to Cost of Effluent Pump Outs;
- Proposed Dog Patrol Program;
- Quotations Received for Ninja Warrior Course, Watson's Green, Home Hill;
- Proposed User Agreement – Ayr Showgrounds;
- Alva Beach Lifeguard Services Update;
- Ayr Showgrounds – Heart of Australia Request; and
- Bill Britt Road, Upper Haughton – Proposed Low Level Crossing.

**Consultation**

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

**Budget & Resource Implications**

Not Applicable.

**Legal Authority & Implications**

Not Applicable.

**Policy Implications**

Any policy proposals are subsequently referred to a 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.

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#### 4.1.2 Delegations of Power to the Chief Executive Officer

<b>File Reference</b>	405
<b>Report Author</b>	Ms. Stevie Moffat – Governance Support Officer
<b>Authoriser</b>	Mr. Terry Brennan – Chief Executive Officer
<b>Meeting Date</b>	9 March 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

5.3.4 Undertake regulatory responsibilities in accordance with legislative regulations

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#### Executive Summary

Council has many powers and duties which are governed by legislation, however, in the interest of efficiency, these decision-making powers and duties can be delegated by Council to the Chief Executive Officer (CEO). In turn, the CEO may further sub-delegate certain powers to specified staff in the organisation as considered appropriate.

Delegation and sub-delegation processes ensure that employees are provided with the legal authority to undertake various duties and exercise powers in accordance with legislation. They promote accountability and are considered a proactive risk management tool.

The *Local Government Act 2009* (the Act) requires Councils to review delegations to the CEO annually. Through King and Company Solicitors, the Local Government Association of Queensland (LGAQ) has developed a complete list of all delegations under State legislation which can be delegated to Local Government CEO's.

#### Recommendation

That, pursuant to section 257 of the *Local Government Act 2009*, all powers referred to in the Register of Delegations - Council to CEO Schedule A and B (attached), are delegated by Council to the Chief Executive Officer.

#### Background

Section 260 of the Act requires Local Government to maintain a delegations register, and section 305 of *Local Government Regulation 2012* (the Regulation) details particulars to be contained in this register.

The aim of Council's register of delegations is to assist with improving the time taken to make decisions within the constraints allowed by the relevant State Government legislation. Delegations are the way in which Council enables officers to make decisions and carry out duties on its behalf, and provide streamlined decision-making processes for faster determination of issues.

The legislative framework to undertake delegations are as follows:

- Section 257 of the Act allows a Council to delegate a power, other than where an Act specifically states that the power must be exercised by Council resolution;

- 
- Section 257(1)(b) of the Act provides for a power to be delegated to the CEO; and
  - Section 259 of the Act allows a CEO to on-delegate their powers to appropriately qualified Officers, other than where the Local Government specifically directs that the power not be further delegated or it is a power to keep a register of interests.

### **Consultation**

Council subscribes to the LGAQ delegation register service. LGAQ has, with the assistance of King and Company Solicitors, developed a complete list of all delegations under State legislation which can be delegated to Local Government CEO's.

### **Budget & Resource Implications**

There are no financial implications to this process. Appropriate implementation of delegations to the CEO ensures the efficient use of Council resources.

### **Legal Authority & Implications**

*Local Government Act 2009 (Qld) ss 257, 259, 260*

*Local Government Regulation 2012 (Qld) reg 306*

### **Policy Implications**

Not Applicable.

### **Risk Implications (Strategic, Operational, Project Risks)**

The administration of Council's responsibilities under the Act, carries with it inherent risk. Appropriate delegations form part of the risk management framework associated with these responsibilities.

This process is part of Council meeting its legislative delegation requirements under the Act.

It is also a major part in Council eliminating legal non-compliance issues impacting upon the legal validity and enforceability of Council decisions, or Council's ability to legally enforce or litigate breaches of Local Government Acts.

### **Attachments**

1. Register of Delegations - Council to CEO.

**Register of Delegations by the  
Burdekin Shire Council to the Chief Executive Officer**

Delegation No.	Description of powers delegated	Resolution	Conditions and Limitations	Authority
1	To exercise all lawfully delegable powers under each of the local laws listed in Schedule 1, including any amendments thereto, and subordinate local laws made under those local laws.	Adopted: 27/09/2011  Amended: 14/02/2012 26/11/2013 09/09/2014	<ul style="list-style-type: none"> <li>The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large.</li> <li>The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council.</li> </ul>	<i>Local Government Act 2009</i> (Qld) s 257.
2	To exercise all lawfully delegable powers under – <ul style="list-style-type: none"> <li>each of the Acts listed in Schedule 2, including any amendments thereto, and regulations and other statutory instruments made under those Acts, and</li> <li>any other local government Acts that come into force, including any amendments thereto, and regulations and other statutory instruments made under those Acts.</li> </ul>	Adopted: 27/09/2011  Amended: 14/02/2012 26/11/2013 29/02/2016 13/01/2020	<ul style="list-style-type: none"> <li>The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large.</li> <li>The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council.</li> </ul>	<i>Local Government Act 2009</i> (Qld) s 257.

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**Schedule 1 – Local Laws**

<b>Local Law No. 1 (Administration) 2012</b>
Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2012
Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2012
Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2012
Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2012
Subordinate Local Law No. 1.5 (Keeping of Animals) 2012
Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2012
Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2012
Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2012
Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2012
Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2012
Subordinate Local Law No. 1.11 (Operation of Rental Accommodation) 2012
Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2012
Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2012
Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2012
Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2012
Subordinate Local Law No. 1.16 (Gates and Grids) 2012
Subordinate Local Law No. 1.17 (Reservation of Bathing Reserve for Training, Competition etc) 2012
Subordinate Local Law No. 1.18 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2012
Subordinate Local Law No. 1.19 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2012
Subordinate Local Law No. 1.20 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 2012
<b>Local Law No. 2 (Animal Management) 2012</b>
Subordinate Local Law No. 2 (Animal Management) 2012
<b>Local Law No. 3 (Community and Environmental Management) 2012</b>
Subordinate Local Law No. 3 (Community and Environmental Management) 2012

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<b>Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012</b>
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012
<b>Local Law No. 5 (Parking) 2012</b>
Subordinate Local Law No. 5 (Parking) 2012
<b>Local Law No. 6 (Bathing Reserves) 2012</b>
Subordinate Local Law No. 6 (Bathing Reserves) 2012
<b>Local Law No. 7 (Aerodromes) 2012</b>
<b>Local Law No. 8 (Waste Management) 2018</b>

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## Schedule 2 – Legislation

Aboriginal Cultural Heritage Act 2003
Acquisition of Land Act 1967
Animal Care and Protection Act 2001
Animal Care and Protection Regulation 2012
Animal Management (Cats & Dogs) Act 2008
Biosecurity Act 2014
Biosecurity Regulation 2016
Body Corporate and Community Management Act 1997
Body Corporate and Community Management (Accommodation Module) Regulation 2008
Body Corporate and Community Management (Commercial Module) Regulation 2008
Body Corporate and Community Management (Small Schemes Module) Regulation 2008
Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011
Body Corporate and Community Management (Standard Module) Regulation 2008
Building Act 1975
Building Regulation 2006
Coastal Protection and Management Act 1995
Disaster Management Act 2003
Disaster Management Regulation 2014
Economic Development Act 2012
Electricity Act 1994
Electricity Regulation 2006
Environmental Offsets Act 2014
Environmental Offsets Regulation 2014
Environmental Protection (Water and Wetland Biodiversity) Policy 2019
Environmental Protection Act 1994
Environmental Protection Regulation 2019
Fire and Emergency Services Act 1990

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Food Act 2006
Food Production (Safety) Act 2000
Heavy Vehicle (Mass, Dimension and Loading) National Regulation
Heavy Vehicle National Law (Qld)
Heavy Vehicle National Law Regulation 2014
Human Rights Act 2019
Industrial Relations Act 2016
Industrial Relations Regulation 2018
Information Privacy Act 2009
Land Access Ombudsman Act 2017
Land Act 1994
Land Title Act 1994
Land Valuation Act 2010
Liquor Act 1992
Local Government Act 2009
Local Government Regulation 2012
Mineral and Energy Resources (Common Provisions) Act 2014
Mineral Resources Act 1989 not in register
Mining and Quarrying Safety and Health Act 1999
Mining and Quarrying Safety and Health Regulation 2001
Nature Conservation (Administration) Regulation 2017
Nature Conservation (Protected Areas Management) Regulation 2017
Nature Conservation (Wildlife Management) Regulation 2006
Nature Conservation Act 1992
Peaceful Assembly Act 1992
Planning Act 2016
Planning Act 2016 - Development Assessment Rules
Planning and Environment Court Act 2016

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Planning Regulation 2017
Plumbing and Drainage Act 2018
Plumbing and Drainage Regulation 2019
Public Health (Infection Control for Personal Appearance Services) Act 2003
Public Health Act 2005
Public Health Regulation 2018
Public Interest Disclosure Act 2010
Public Records Act 2002
Queensland Heritage Act 1992
Queensland Reconstruction Authority Act 2011
Rail Safety National Law
Residential Services (Accreditation) Act 2002
Residential Tenancies and Rooming Accommodation Act 2008
Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020
Right to Information Act 2009
River Improvement Trust Act 1940
Safety in Recreational Water Activities Act 2011
Standard Plumbing and Drainage Regulation 2003
State Penalties Enforcement Act 1999
State Penalties Enforcement Regulation 2014
Statutory Bodies Financial Arrangement Act 1982
Stock Route Management Act 2002
Strong and Sustainable Resource Community Act 2017
Summary Offences Act 2005
Summary Offences Regulation 2006
Survey and Mapping Infrastructure Act 2003
Tobacco and Other Smoking Products Act 1998
Torres Strait Islander Cultural Heritage Act 2003

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Transport Infrastructure (Public Marine Facilities) Regulation 2011
Transport Infrastructure (Rail) Regulation 2006
Transport Infrastructure (State Controlled Roads) Regulation 2011
Transport Infrastructure Act 1994
Transport Operations (Marine Pollution) Act 1995
Transport Operations (Marine Safety) Act 1994
Transport Operations (Marine Safety) Regulation 2016
Transport Operations (Road Use Management) Act 1995
Transport Operations (Road Use Management- Accreditation and Other Provisions) Regulation 2015
Transport Operations (Road Use Management - Road Rules) Regulation 2009
Transport Operations (Road Use Management - Vehicle Registration) Regulation 2010
Trusts Act 1973
Waste Reduction and Recycling Act 2011
Waste Reduction and Recycling Regulation 2011
Water Act 2000
Water Fluoridation Act 2008
Water Fluoridation Regulation 2008
Water Regulation 2016
Water Supply (Safety and Reliability) Act 2008
Work Health and Safety Act 2011
Work Health and Safety Regulation 2011
Workers Compensation and Rehabilitation Act 2003
Workers Compensation and Rehabilitation Regulation 2014

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## 4.2 ECONOMIC DEVELOPMENT

## 5 CORPORATE AND COMMUNITY SERVICES

### 5.1 CLIENT SERVICES

### 5.2 COMMUNITY DEVELOPMENT

#### 5.2.1 Request to Use Ayr Showgrounds Site for Specialist Medical Services for the Burdekin

**File Reference** 2303

**Report Author** Mr. David Cornwell – Manager Community Services

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

**Meeting Date** 9 March 2021

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

Burdekin Shire Council Corporate Plan 2017-2022

1.2 Management and maintenance of community assets

3.2 Safe, healthy, inclusive and socially engaged communities

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#### **Executive Summary**

Heart of Australia is a medical practice that provides mobile specialist health services to remote and regional communities. The company has approached Council to request use of the Ayr Showgrounds to park their mobile clinic trailer when servicing the Burdekin Community.

The purpose of this report is to seek Council's approval for Heart of Australia to park their mobile clinic in the Ayr Showgrounds on a regular basis.

#### **Recommendation**

That Council approves Heart of Australia mobile health clinics use of the Ayr Showgrounds for their specialist medical service visits to the Burdekin and that the \$23 daily fee for a Showground site be waived.

#### **Background**

Heart of Australia delivers regular specialist mobile medical investigation and treatment clinics to regional, rural, and remote area communities across Queensland. Their services include:

- Cardiology;
- Endocrinology;
- Gastroenterology;
- Gynaecology; and
- Sleep and Respiratory.

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They currently operate two (2) 18-wheeler semi-trailers and one (1) smaller mobile clinic.

In 2019, Heart of Australia initially approached Council to investigate extending their specialist services to the Burdekin Region on a regular basis. In November 2020, Heart of Australia wrote to Council advising of plans to visit Ayr each month for approximately three (3) to four (4) days, to commence in the first quarter of 2021.

The Ayr Showgrounds were identified as being best suited to park their semi-trailer mobile clinic, with direct access off the heavy vehicle bypass road (via Craig Street) reducing potential disruption to traffic. Heart of Australia has requested use of a Showgrounds powered site on the understanding that access may be restricted during events or other activities held at the Ayr Showgrounds and that Council has priority use of this facility.

### **Consultation**

Local health service providers, Councillors and Council staff.

### **Budget & Resource Implications**

Not Applicable.

### **Legal Authority & Implications**

Not Applicable.

### **Policy Implications**

Not Applicable.

### **Risk Implications (Strategic, Operational, Project Risks)**

Incorrect siting of a heavy vehicle mobile clinic may cause traffic safety and disruption issues. The Ayr Showgrounds provide a safe and quiet site for specialist medical services delivery.

### **Attachments**

Not Applicable.

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## 5.3 FINANCIAL AND ADMINISTRATIVE SERVICES

## 5.4 GOVERNANCE

### 5.4.1 Trustee Lease - Whole of Lot 144 on Crown Plan GS1011 - Ayr Golf Club Incorporated

<b>File Reference</b>	174
<b>Report Author</b>	Ms. Tamara Bateman – Governance and Property Officer
<b>Authoriser</b>	Mr. Nick O'Connor – Director Corporate and Community Services
<b>Meeting Date</b>	9 March 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 entering into a new Trustee Lease as follows:

Trustee:	Burdekin Shire Council
Lessee:	Ayr Golf Club Incorporated
Interest:	Reserve for Recreation
Leased Area:	Whole of Lot 144 on Crown Plan GS1011
Term:	10 years
Expiry:	3 September 2030 (nil Option)
Rent:	\$0.10 per annum if demanded

### Recommendation

That Council agree to enter into a new Trustee Lease with Ayr Golf Club Incorporated for a further 10 year term.

### Background

Ayr Golf Club Incorporated have historically leased the whole of Lot 144 on Crown Plan GS1011.

On 2 March 2021, the Lessee formally confirmed its intention to enter into a new Trustee Lease for a term of 10 years.

The new Trustee Lease will be subject to (but not limited to), the Prescribed Terms pursuant to the *Land Regulation 2020* and Council's Standard Terms for a Trustee Lease (Dealing No. 713293560).

### Consultation

Department of Natural Resources, Mines and Energy.

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**Budget & Resource Implications**

Staff resources will be utilised to prepare Trustee Lease documentation.

The Lessee will bear the costs of registering the new Trustee Lease.

**Legal Authority & Implications**

Not Applicable.

**Policy Implications**

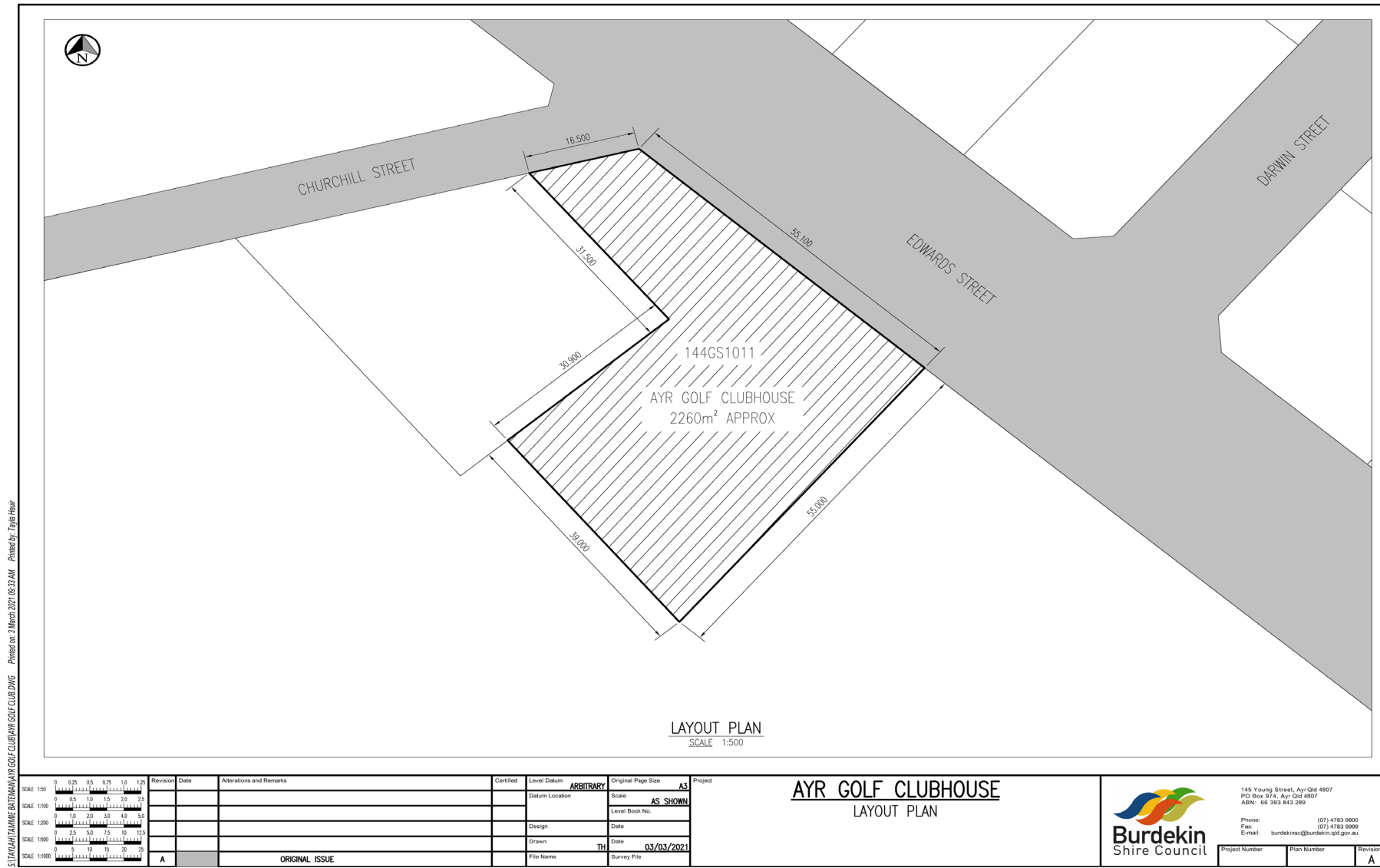
Not Applicable.

**Risk Implications (Strategic, Operational, Project Risks)**

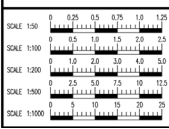
Not Applicable.

**Attachments**

1. Plan showing Lease area.



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Revision	Date	Alterations and Remarks	Certified	Level Datum	Original Page Size	Project
				ARBITRARY	A3	
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					Level Book No.	
				Design	Date	
				Drawn	TH	03/03/2021
				File Name	Survey File	
A		ORIGINAL ISSUE				

### AYR GOLF CLUBHOUSE

#### LAYOUT PLAN



145 Young Street, Ayr Qld 4807  
 PO Box 974, Ayr Qld 4807  
 ABN: 66 393 843 289

Phone: (07) 4783 9800  
 Fax: (07) 4783 9999  
 E-mail: burdekin@burdekin.qld.gov.au

Project Number	Plan Number	Revision
		A

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#### **5.4.2 Freehold Lease - Part of Lot 1 on Registered Plan 716261 - Burdekin Gem and Mineral Society Incorporated**

<b>File Reference</b>	1161
<b>Report Author</b>	Ms. Tamara Bateman – Governance and Property Officer
<b>Authoriser</b>	Mr. Nick O'Connor – Director Corporate and Community Services
<b>Meeting Date</b>	9 March 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

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#### **Executive Summary**

Council approval is requested to consent to entering into a new Lease as follows:

Lessor:	Burdekin Shire Council
Lessee:	Burdekin Gem and Mineral Society Incorporated
Interest:	Fee Simple
Leased Area:	Part of Lot 1 on Registered Plan 716261
Term:	10 years
Expiry:	24 October 2030 (nil Option)
Rent:	\$0.10 per annum if demanded

#### **Recommendation**

That Council agree to enter into a new Lease with Burdekin Gem and Mineral Society Incorporated for a further 10 year term.

#### **Background**

Burdekin Gem and Mineral Society Incorporated have historically leased the building situated on part of Lot 1 on Registered Plan 716261.

On 11 February 2021, the Lessee confirmed its intention to enter into a new Lease and on 17 February 2021 requested a Lease term of 10 years.

The new Lease will be subject to Council's standard terms for a Freehold Lease.

#### **Consultation**

Not Applicable.

#### **Budget & Resource Implications**

Not Applicable.

#### **Legal Authority & Implications**

Not Applicable.

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**Policy Implications**

Not Applicable.

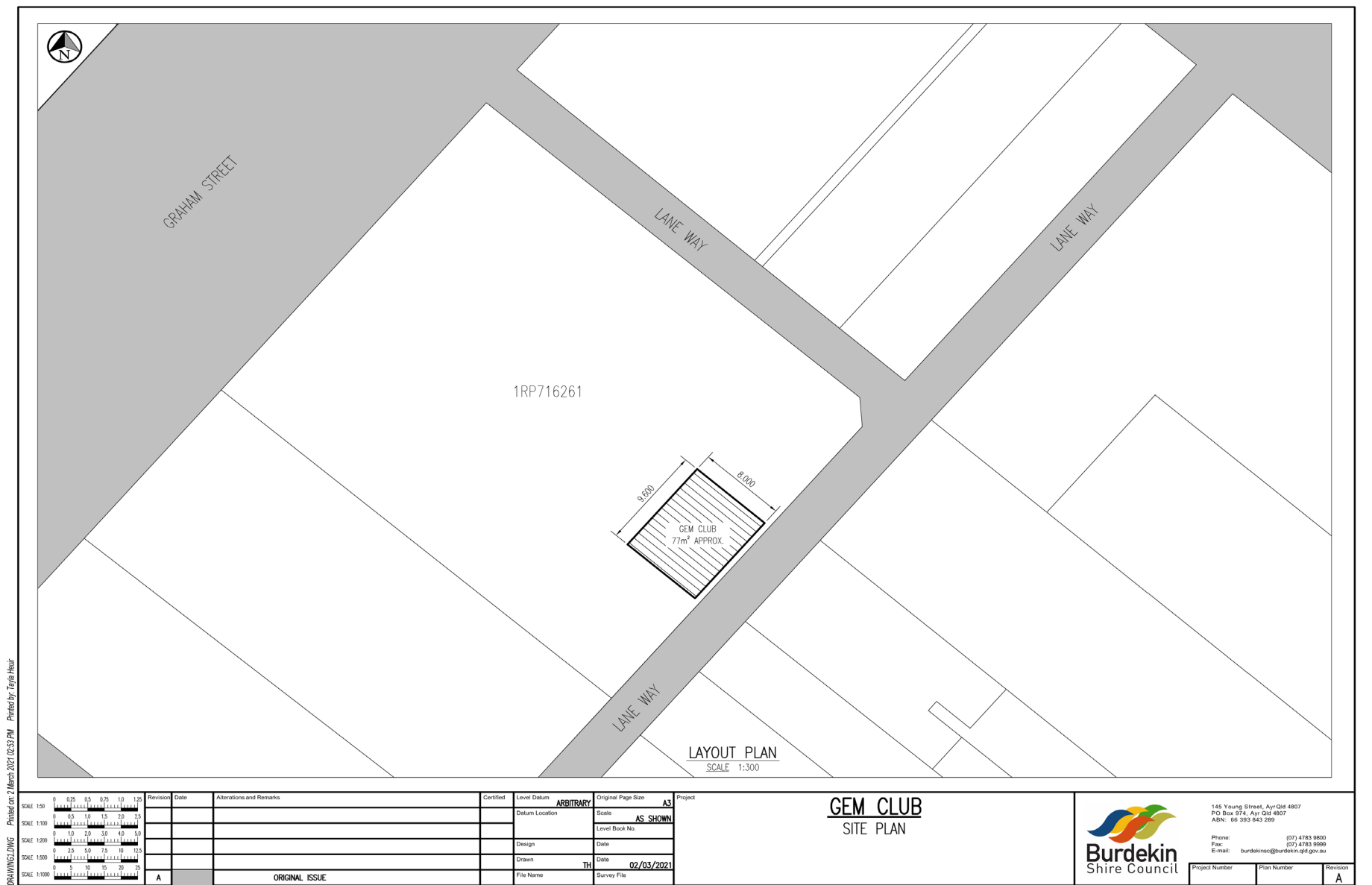
**Risk Implications (Strategic, Operational, Project Risks)**

Not Applicable.

**Attachments**

1. Plan showing Lease area.





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### 5.4.3 Interest Free Loan Request - Home Hill Cricket Association Incorporated

<b>File Reference</b>	98
<b>Report Author</b>	Mrs. Janice Horan – Grants and Property Officer
<b>Authoriser</b>	Mr. Nick O'Connor – Director Corporate and Community Services
<b>Meeting Date</b>	9 March 2021

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

Burdekin Shire Council Corporate Plan 2017-2022

#### 3.4.2 Support sporting organisations in providing opportunities for physical activity

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#### **Executive Summary**

A formal request has been received from Home Hill Cricket Association Incorporated for an Interest Free Loan of \$12,000.00 to purchase a zero turn mower.

#### **Recommendation**

That Council approves an Interest Free Loan of \$12,000.00 to the Home Hill Cricket Association Incorporated towards purchase of mower subject to the Club agreeing to repayments at an annual amount of \$3,000.00 for a term of four (4) years.

#### **Background**

Council's Revenue Assistance (Interest Free Loans) Policy provides a framework for provision of financial assistance to sporting cultural and community-based organisations subject to certain qualifying criteria and conditions.

The Home Hill Cricket Association Incorporated has submitted an urgent request for an Interest Free Loan of \$12,000.00 to purchase a new zero turn mower, because their existing mower is not operational, and there is a high need to undertake regular mowing at this time of the year.

Most of the eligibility criteria, as contained in the Revenue Assistance (Interest Free Loans) Policy have been met by the Club, including provision of two (2) audited financial statements, copy of constitution, and a copy of a minute recorded at a recent meeting seeking the Interest Free Loan from Council.

In accordance with the Policy, applicants are expected to attempt to source other funding for their projects to offset the extent of Interest Free Loans sought from Council. The Club has advised that they were recently successful in sourcing funds from the Gambling Community Benefit Fund (GCBF) to install a pump. Therefore, they will not be eligible to apply again to GCBF until the pump is installed and the grant acquitted. Council staff sought advice from Sport and Recreation Queensland, Townsville Office as to whether any of their programs would be opening in the near future. Mr. Jim Brabon advised that there was no certainty applications would be invited under the Sport and Recreation Programs this year.

The Club has advised that they would be able to repay the loan with repayments of \$3,000.00 per year for four (4) years. It should be noted that a previous Interest Free Loan granted to the Club was repaid as per the repayment schedule.

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## **Consultation**

Members of Home Hill Cricket Association Incorporated  
Sport and Recreation Queensland, Townsville Office  
Council Workshop – 2 March 2021

## **Budget & Resource Implications**

Estimated available funds available for Interest Free Loans are \$219,029.57.

## **Legal Authority & Implications**

Not Applicable.

## **Policy Implications**

Not Applicable. This request has been made under Council's Revenue Assistance (Interest Free Loans) Policy.

## **Risk Implications (Strategic, Operational, Project Risks)**

The ability of the applicant to repay the loan must be taken into consideration. The Club has a good track record in repaying previous Interest Free Loan commitments. Perusal of Club's financial statements for the past three (3) years raise some concerns regarding the Club's ability to repay the requested loan. The 2020 financial year did not return a profit. This is assumed to be because of the cancelled Carnival due to COVID-19 restrictions. The Carnival is the Club's main income source. Assuming that a portion of the canteen purchases in 2020 can be utilised at the 2021 Carnival, then the 2021 financial statements should have a profit. There is a risk that if the 2021 season does not produce a profit, given the poor previous performance, a loan repayment may not be paid. However, Council is entitled to request the item of plant be delivered to Council to recoup the monies, thereby eliminating the financial risk.

## **Attachments**

Not Applicable.

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

### **6.1 ENVIRONMENTAL AND HEALTH SERVICES**

#### **6.1.1 Adoption of Revised Waste Management Policy**

<b>File Reference</b>	438 and 436
<b>Report Author</b>	Mr. Dan Mulcahy – Manager Environmental and Health Services
<b>Authoriser</b>	Mr. Nick Wellwood – Director Infrastructure, Planning and Environmental Services
<b>Meeting Date</b>	9 March 2021

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

- 4.1.5 Continually improve waste management practices
  - 5.3.3 Adhere to the governance framework and public reporting systems
  - 5.3.4 Undertake regulatory responsibilities in accordance with state regulations
- 

#### **Executive Summary**

Council and staff review the Waste Management Policy annually to determine if any improvements or changes are required.

A review has been undertaken of the Policy and a revised version is attached for consideration and adoption.

#### **Recommendation**

That Council adopts the attached revised Waste Management Policy.

#### **Background**

The Waste Management Policy is an important budget document in that it explains, amongst other things, the method of charging for the mobile bin collection service which is the main revenue income for the waste function.

The majority of the Waste Management Policy is inserted into the Revenue Statement which is a key document in the budget adoption process.

No changes have been made to the fundamental basis of the Policy.

Minor additions have been made to the Policy to clarify the circumstances for cancelling a service; adding a risk management section; and formatting into the new Policy template.

#### **Consultation**

Council reviewed this Policy at its Workshop held on 2 March 2021.

#### **Budget & Resource Implications**

Not Applicable.

#### **Legal Authority & Implications**

Policy is consistent with the Local Law wording and definitions.

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## **Policy Implications**

This Policy will replace the existing Waste Management Policy that was adopted on 25 June 2019.

## **Risk Implications (Strategic, Operational, Project Risks)**

Any identified risks will be evaluated and managed in accordance with the Enterprise Risk Management (ERM) Policy and the adopted ERM Framework.

The Policy improves the consistency of the application and enforcement of the exercise of Council's powers in dealing with the management of waste, particularly through its Local Law.

## **Attachments**

1. Revised Waste Management Policy;
2. Burdekin Shire Area Map;
3. Ayr Map;
4. Brandon Map;
5. Home Hill Map; and
6. Giru Map.

Policy Type	Corporate
Function	Waste Management
Policy Owner	Manager Environmental and Health Services
Policy Contact	Coordinator Waste Services
Effective Date	9 March 2021

## Purpose

This policy explains the objectives and general principles of the Burdekin Shire Council in the optimum delivery of waste management services of the community.

## Scope

This policy applies to waste services within designated areas in which Council may conduct general waste or green waste collection and provision of waste facilities in the Burdekin Shire area.

## Exceptions

Nil.

## Objectives

Burdekin Shire Council embraces the Waste Management hierarchy of waste avoidance, waste re-use, waste recycling, energy recovery from waste and waste disposal. We encourage residents and businesses to think about their activities and use the hierarchy as a guide. By working together, we can minimise our impact on the environment and reduce our costs involved in the processing, manufacturing, transport and disposal of materials.

The aim of the policy is to:

- reduce the amount of waste produced by the community.
- reduce the amount of waste going to landfill.
- encourage greater recycling.
- increase the community's knowledge of waste management issues.
- reduce the impact of waste disposal on the environment.

## Policy Statement

### Waste Facilities

The Burdekin Shire has one (1) landfill and four (4) transfer stations.

The following waste facilities are available for community use as detailed below:

<b>Transfer Stations:</b>	
<u>Ayr</u>	
Location	53-57 Jones Street, Ayr
Accepted waste	General household waste and recyclables, household and car batteries, cardboard, furniture, fluorescent tubes, fridges and freezers, gas bottles, e-waste, EPIRBs, scrap metal, tyres, waste oil, domestic quantities of timber (up to half a ute load or small trailer load) and green waste. A full list is available on Council's web site.
<u>Home Hill</u>	
Location	Bojack Road, Home Hill
Accepted waste	General household waste and recyclables, household and car batteries, cardboard, furniture, fluorescent tubes, fridges and freezers, gas bottles, e-waste, EPIRBs, scrap metal, tyres, waste oil, domestic quantities of timber (up to half a ute load or small trailer load) and green waste. A full list is available on Council's web site.
<u>Clare</u>	
Location	Ayr Dalbeg Road
Accepted waste	General household waste and recyclables, cardboard, furniture, fridges and freezers, scrap metal, domestic quantities of timber (up to half a ute load or small trailer load). A full list is available on Council's web site.
<u>Giru</u>	
Location	Cromarty Creek Road, Giru
Accepted waste	General household waste and recyclables, car batteries, cardboard, furniture, fridges and freezers, scrap metal, tyres, waste oil, domestic quantities of timber (up to half a ute load or small trailer load) and green waste. A full list is available on Council's web site.
<b>Landfill:</b>	
<u>Kirknie Landfill</u>	
Location	1614 Kirknie Road, Osborne
Accepted waste	Household waste, commercial and industrial waste, construction and demolition waste, green waste, timber, car batteries, waste oil, gas bottles, scrap metal and tyres. A full list is available on Council's web site.

Although not a transfer station, a 15m<sup>3</sup> skip bin waste service is provided to the township of Dalbeg. Accepted waste includes general household waste (excluding putrescibles), furniture and domestic quantities of timber (up to half a ute load or small trailer load).

Opening Hours can be found on Council's website and are contained in the Opening Hours Policy.

DrumMuster – Council accepts drums on the first Wednesday of the month at the Ayr transfer station by appointment and at Giru and Home Hill waste transfer stations during normal operating hours to assist local farmers in the responsible disposal of chemical containers. The Clare DrumMuster collection site is available by appointment.

To encourage the objectives of this policy, Burdekin domestic residents may sort their domestic waste and certain recyclable waste and pay no charges for the recyclable waste. Refer to Council's Waste Fees and Charges for more details.

Charges may vary depending on the items taken to the landfill or transfer stations. In addition, a State Government waste levy will apply from 1 July 2019 to all waste which is disposed of in landfill. The levy is part of a new waste strategy for Queensland to increase recycling and resource recovery and reduce waste. Please refer to Council's Waste Fees and Charges Schedule for more details.

#### Exemptions

An exemption from Council landfill and transfer station charges may apply for charitable organisations, non-profit organisations or for approved sporting carnivals. Applications for exemptions must be made to the Council's Community Development section.

In accordance with the State Government waste levy, a charitable organisation is eligible to apply for an exemption of the waste levy. This application must be made to the State Government.

#### Closed Landfills

Investigations of Council's closed landfills will continue to determine the remediation requirements for each facility. Resourcing requirements to remediate each facility will depend on access to external funding, ten-year budgeting cycle/plan, state government requirements and environmental issues.

#### Designated Area

In accordance with Local Law No 8 (Waste Management) 2018, the Council has resolved to designate areas within which the Council may conduct general waste or green waste collection. The designated area is shown in Schedule 1 attached.

There are two (2) designated areas which differentiate the level of mobile bin service provided to premises located within the areas.

#### Domestic Services

##### Standard General Waste Containers

Only standard general waste containers supplied and rated by Burdekin Shire Council are eligible for Council's collection service. The standard general waste container approved by the Council must meet the following specifications:

- 140-240 litre mobile bins must comply with AS 4123:2008 mobile Waste Containers;
- have the following colours for domestic and commercial premises:
  - for domestic and commercial waste – have dark green bodies and red lids;
  - for recyclable waste – have dark green bodies and yellow lids;
  - for green waste – have dark green bodies and lime green lids.
- be constructed of UV stabilised HDPE suitable for Queensland climatic conditions;
- contain a minimum of 30% Post Consumer recycled Australian content;
- where reasonably possible, be made in Australia;
- be hot stamped with individual identification serial numbers in sequential order;
- be stickered with Council supplied sticker(s), when requested by Council;



- be provided with Council approved permanent embossing in all manufacturer insert locations on the lid; and
- be hot foil embossed with an approved Burdekin Shire Council logo.

The Council will not service ineligible standard general waste containers (herein after referred to as mobile bins) that residents leave out for collection, including mobile bins that residents bring from other councils or buy privately.

The mobile bins supplied to a property are to remain at that property when there are changes in occupants, including with the sale of the property.

To avoid any doubt, only domestic or commercial waste is to be put in the mobile bin with the red lid, only recyclable waste is to be put in the mobile bin with the yellow lid and only green waste is to be put in the mobile bin with the green lid.

#### Mobile Bin Service

The mobile bin service for the Shire that is delivered to domestic premises and commercial premises comprises of the following mobile bins and collection frequency:

- *Domestic Premises within Designated Area A*
  - A 140 litre mobile bin with a red lid for domestic waste and collected weekly. \*
  - A 240 litre mobile bin with a yellow lid for recyclable waste (excluding green waste) and collected fortnightly.

The above service is referred to as a **3 bin domestic service**.

- *Domestic Premises within Designated Area B*
  - A 140 litre mobile bin with a red lid for domestic waste and collected weekly. \*
  - A 240 litre mobile bin with a yellow lid for recyclable waste (excluding green waste) and collected fortnightly.

The above service is referred to as a **2 bin domestic service**.

*\* Residents of domestic premises may request to change to the 240 litre mobile bin with a red lid. The larger mobile bin will incur a higher charge.*

- *Commercial Premises within Designated Areas A and B*
  - A 240 litre mobile bin with a red lid for commercial waste and collected weekly.
  - A 240 litre mobile bin with a yellow lid for recyclable waste (excluding green waste) and collected fortnightly.

The above service is referred to as a **2 bin commercial service**.

#### Levying of waste services charges for mobile bin waste collection

Council will provide waste services to occupied land only.

The owner of any residential premises or land within the designated area that is capable of producing waste will be levied a waste service charge. The type of waste service charge will depend on whether the premise receives a 3 bin domestic service or a 2 bin domestic service.

For residential premises or land outside of these areas, the owner or occupier is required to service their own refuse bins on a weekly basis. Fees may apply for the disposal of these wastes at Council's waste facilities. Waste Fees & Charges are available on Council's website.

Services based on type of residential premises

*House or House with Granny Flat*

Each single unit dwelling must have at least a single waste service, i.e. either a 3 bin domestic service or a 2 bin domestic service.

*Multi-Residential Premises including Duplexes*

Multi-Residential premises include two (2) or more permanently constructed residential units (single occupancy per unit).

Council will supply each unit with 1 x 140L mobile domestic waste bin and 1 x 240L mobile recyclable waste (excluding green waste) bin. Council's authorised officer will determine the provision of a green waste service for premises within Designated Area A. Consideration will be given for the properties' potential to generate green waste.

The green waste service for multi-residential premises will be a communal service with the mobile bins shared between units. The owner or the owner's representative may make a written request for an extra green waste service for a particular unit.

Alternatively, a bulk waste bin may be provided (through a private contractor) for the domestic waste portion of the service. The bulk bin must be the equivalent of the calculated volume of the 140L mobile domestic waste bins, rounded up to the next bulk bin size.

*Example*

*Multi-Residential Premises of five units (5 x 140L = 700L) is required to have at least 5 x 140L mobile domestic waste bins or the equivalent in bulk domestic waste bin, serviced at least once per week and at least 5 x 240L mobile recyclable waste (excluding green waste) bins and a sufficient number of 240L mobile green waste bins (as determined by the Council's authorised officer), serviced at least once per fortnight.*

*Residential Unit attached to Commercial/Industrial Premises*

The commercial/industrial portion of the premises shall receive a commercial/industrial service (refer to 6.4 – Commercial and Industrial Services). The residential unit shall receive the appropriate domestic mobile bin service (refer to 6.3 – Domestic Services).

Residential premises not within the designated areas

Rateable properties within the Shire that are outside the designated area and therefore not receiving a regular waste collection service, may be required to pay a waste service charge for access to free sorted domestic dumping at Council's waste facilities.

Residents currently outside the designated area and who would like to receive a domestic mobile collection service are required to submit a request in writing.

When determining the request, Council's authorised officers will consider the following:

- if the collection vehicles can access the area;
- whether it is economically viable for the contractor to provide the requested service; and
- If there is support from 65% of property owners in the road in favour of receiving the service.

## Commercial and Industrial Services

Commercial and industrial premises within the designated areas, as described in Schedule 1, are required to have a commercial waste service with a minimum collection frequency of weekly.

Each premise shall have either, a 240 litre mobile commercial waste bin or equivalent service provided by an approved private contractor plus a recyclable waste (excluding green waste) service supplied through Council or an equivalent service provided by an approved private contractor.

Where it is deemed by the Manager Environmental and Health Services that the replacement service provided by a private contractor is not an equivalent service, then waste charges levied will consist of the relevant component as detailed in the revenue statement.

Item specific recycling services e.g. bulk cardboard, scrap metal and the like may be available through a private contractor.

## General Issues

### Change to Service Level

The owner may request a change to the service in writing or via Council's Customer Service Centre. The charges for these services are set annually in Council's Revenue Statement and Council will levy the amount via the rates notice.

### Lost/Stolen Bins

The replacement of lost or stolen bins will be at the discretion of the Manager Environmental and Health Services.

Repeated incidences of lost/stolen bins for a single property may incur a replacement fee.

### Cancelling a service

Cancelling of a waste service will only occur where the building has been demolished or is unfit for occupation due to causes such as significant damage by fire or natural disaster or extensive building dereliction or dilapidation.

A commercial or industrial premise may cancel their waste service provided they are to receive an equivalent waste service from an approved private contractor. The premises must provide a copy of their waste service agreement as proof of alternative service. For clarification purposes, this paragraph does not apply to domestic waste services provided to a dwelling that is part of a commercial or industrial building or part of an agricultural enterprise.

Cancelling a service will lead to a proportional reduction or refund of the annual levied charge.

### Commencing a Service

Waste service charges will apply from the date of commencement or availability of service. New services commenced during the year are pro-rata levied.

### Bulk Bin Service

Commercial premises that require a bulk bin service may contact an approved waste contractor to arrange a service at their own cost.

### Variation under this Policy

The Manager Environmental and Health Services will assess written requests for an exemption, refund, part refund or variation under this Policy. Assessments are to take into account the waste generated at the premises.

### Requirements for mobile bin collection

Place mobile bins on the kerb prior to 6:00am on collection day and bring back within property boundaries as soon as possible after collection, preferably by dusk.

Place mobile bins approximately one (1) metre apart and bins are not to be located near trees, parked cars or other obstacles that may prevent the truck from emptying the bin.

Mobile bins that are overfull (with the lid open more than 45 degrees) or too heavy (weigh more than 55 kilograms) will not be collected. Residents will need to take their waste to the landfill or transfer station, as the truck will not return to empty the bin. Disposal costs may apply.

The following items are not to be placed into the mobile bins but may be accepted at Council's Waste Facilities (details are available on Council's website):

- a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
- paints, solvents, motor and cooking oils;
- asbestos or other hazardous material;
- concrete, bricks, timber;
- soil and rocks (large amounts);
- material that is smouldering or aflame;
- gas bottles and fire extinguishers;
- EPIRBs and marine flares;
- firearms and ammunition;
- car parts and batteries;
- a matter or thing that is alive.

#### Mobile Bin Contamination

Recyclable waste and green waste mobile bins must only contain the products listed on the lid and/or authorised by Council via website or official brochures provided. Mobile bins contaminated with unsuitable material may be issued with a notice and information brochure advising of the contamination.

Where the premises receives three (3) contamination notices in any 12-month period (which starts on the day of any notice), the service may be suspended by Council:

- initially for one (1) month; and
- for an additional month if the premises receives a notice within three (3) months of the service being reinstated at the discretion of the Manager Environmental and Health Services.

Charges will not be removed where green waste or recyclable waste services have been suspended under this clause.

#### Mobile Bin Charges

The levying of a charge as detailed in the Revenue Statement will occur on all lands and/or premises within the designated area.

#### Consistent commencement of charges

The levy for all waste charges apply on a pro-rata basis from the date of delivery of the mobile bins to the property and/or where Council identifies that a domestic or commercial structure or occupied land is without a general waste collection charge, the charge will be levied pro-rata from the time that the structure was completed, or the occupied land was capable of producing waste.

#### Removal of Charges

Removal of any general waste charge on a pro-rata basis will only occur:

- when Council identifies that the domestic or commercial structure has been demolished or is unfit for occupation due to causes such as significant damage by fire or natural disaster or extensive building dereliction or dilapidation; or

- upon supply of written evidence (e.g. a copy of new waste contract) that a commercial premise has an equivalent service provided by an alternative waste service provider.

#### Council Public Services

Council will provide appropriate waste and recyclable waste (excluding green waste) services to public areas including CBD streets and parks.

#### Education Program

Council will endeavour to provide an education program throughout the Shire focussing on the waste hierarchy of avoidance, re-use, recycling and disposal as a last resort.

#### Pre-Cyclone Clean Up

When a cyclone watch and/or warning has been issued for the Burdekin area, the Council may allow free disposal of certain wastes to Shire facilities during the period of the watch and/or warning. It is noted that for Burdekin residents, sorted domestic waste is free.

Council retains the right to nominate which wastes may still attract a charge and where certain volumes may be disposed of. In providing this service, Council does not want the pre- cyclone clean up to replace an orderly waste disposal obligation for residents.

#### Serious Local Event Waste

Waste defined as 'serious local event waste' may also be exempt from payment of the State waste levy under certain circumstances.

'Serious local event waste' is defined in the *Waste Reduction and Recycling Act 2011* and generally refers to waste generated by activities in the immediate preparation for, or by or because of, a serious local event but does not include waste generated by activities in general preparation for storms that are predicted or are likely to occur in a particular season each year or in anticipation of the next cyclone season. The maximum period for which waste is to be serious local event waste is seven (7) days immediately before the serious local event starts or is predicted to start and ends 28 days after the serious local event ends.

Serious local event waste is exempt waste under the *Waste Reduction and Recycling (Waste Levy) Amendment Act 2019*. The exemption is not automatic but requires an application made by the Chief Executive Officer of the Council to the Department of Environment and Science which shall decide on the application.

#### Disaster Management Waste

Waste defined as 'disaster management waste' may also be exempt from payment of the State waste levy under certain circumstances.

'Disaster management waste' is defined in the *Waste Reduction and Recycling Act 2011* and means waste generated by or because of a disaster that is or has been the subject of a declaration of a disaster situation under the *Disaster Management Act 2003*, but only within the limits, if any, declared by the Department of Environment and Science, by publication on the Department's website, for a particular disaster.

### Risk Management

Managing risk is achieved through the systematic application of policies, procedures and practices to identify, analyse, evaluate, treat, monitor and communicate risk.



This policy is intended to improve the consistency of the application and enforcement of the exercise of Council's powers in dealing with the management of waste, particularly through its local law. The policy provides guidelines for applicants and Council staff in the consideration and approval of applications.

The absence of such a policy or non-adherence to the policy could result in invalid levies and inconsistent decisions.

## Legislation

*Local Government Act 2009 & Regulation*

*Environmental Protection Act 1994 & Regulation*

*Local Law No. 8 (Waste Management) 2018*

*Waste Reduction and Recycling Act 2011 & Regulation*

*Disaster Management Act 2003 & Regulation*

## Definitions and Abbreviations

<b>Authorised Officer</b>	means a person authorised under the <i>Environmental Protection Act 1994</i> , the <i>Waste Reduction &amp; Recycling Act 2011</i> , <i>Local Government Act 2009</i> and all Council Local Laws & Subordinate Local Laws.
<b>Charitable Organisation</b>	means an organisation officially recognised as devoted to the assistance of those in need.
<b>Commercial Premises</b>	means any of the following types of premises: <ul style="list-style-type: none"><li>• a hotel, motel, caravan parks, café, food store or canteen;</li><li>• an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;</li><li>• premises where a sport or game is ordinarily played in public;</li><li>• an exhibition ground, showground or racecourse; or</li><li>• an office, shop or other premises where business or work, other than a manufacturing process, is carried out.</li></ul>
<b>Commercial Waste</b>	means waste (other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer) produced as a result of the ordinary use or occupation of commercial premises.
<b>Designated Area</b>	means the area that the Council has resolved to be the area in which the Council may conduct general waste or green waste collection.
<b>Domestic Premises</b>	means any of the following types of premises: <ul style="list-style-type: none"><li>• a single unit private dwelling;</li><li>• premises containing two or more separate flats, apartments or other dwelling units; or</li><li>• a boarding house, hostel, lodging house or guest house.</li></ul> <p><i>In interpreting this definition, it is submitted that a dwelling that is part of a commercial or industrial building or part of an agricultural enterprise, is a domestic premise.</i></p>
<b>Domestic Waste</b>	means waste (other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer) produced as a result of the ordinary use or occupation of domestic premises.

<b>Domestic Clean-up Waste</b>	means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.
<b>General Waste</b>	means: <ul style="list-style-type: none"> <li>• waste other than regulated waste; and</li> <li>• any of the following: <ul style="list-style-type: none"> <li>○ commercial waste</li> <li>○ domestic waste</li> <li>○ recyclable waste</li> </ul> </li> </ul>
<b>Green Waste</b>	means grass clippings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises, excluding logs or stumps over 300mm in diameter.
<b>Industrial Waste</b>	means: <ul style="list-style-type: none"> <li>• interceptor waste; or</li> <li>• waste other than the following: <ul style="list-style-type: none"> <li>○ commercial waste</li> <li>○ domestic clean-up waste</li> <li>○ domestic waste</li> <li>○ green waste</li> <li>○ recyclable interceptor waste</li> <li>○ recyclable waste</li> <li>○ waste discharged to sewer.</li> </ul> </li> </ul>
<b>Interceptor</b>	means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.
<b>Interceptor Waste</b>	means matter, other than recyclable interceptor waste, intercepted by and held in an interceptor.
<b>Non-profit organisation</b>	means an organisation where all revenue raised goes directly towards advancing a relevant public purpose, that no individual makes a personal profit out of the operations, that no remuneration is made to any individual, member or employee or the organisation, relies on volunteers and does not receive significant government funding for its operations.
<b>Occupied Land</b>	means land other than vacant land and includes land with a shed, caravan or similar structure, where people may reside, regardless of the length of time.
<b>Occupier of Premises</b>	means the person who has the control or management of the premises.
<b>Owner of Premises</b>	means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were to let to a tenant at a rent.
<b>Premises</b>	includes domestic premises, government premises. Industrial premises and commercial premises.
<b>Rates</b>	includes supplementary rates.
<b>Recyclable Interceptor Waste</b>	means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.
<b>Recyclable Waste</b>	means clean and inoffensive waste and includes the following: <ul style="list-style-type: none"> <li>• cardboard and mixed paper;</li> <li>• aluminium steel cans, aerosol cans and foil trays;</li> <li>• certain plastics with the recycling symbol of 1- 5;</li> </ul>

- empty milk and juice cartons;
- glass bottles and jars.

**Regulated Waste**

has the meaning given in the *Environmental Protection Regulation 2019*.

**Standard General Waste Container**

means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste as premises in the local government's area and for the avoidance of doubt, includes one (1) or more containers each of which is approved by the local government for storing, at premises in the local government's area:

- one (1) or more multiple types of commercial waste; or
- one (1) or more multiple types of recyclable waste.

*Example – the Local Government may approve one (1) container for storing recyclable waste which is green waste and one (1) container for storing recyclable waste other than green waste.*

**Waste**

has the meaning given in the *Environmental Protection Act 1994* and includes anything that is specified to be waste under a subordinate local law.

**Waste Service**

refers to the storage, collection and conveyance of waste and the disposal thereof.

**Waste Services Charges**

means a charge set by Council in the Revenue Statement.

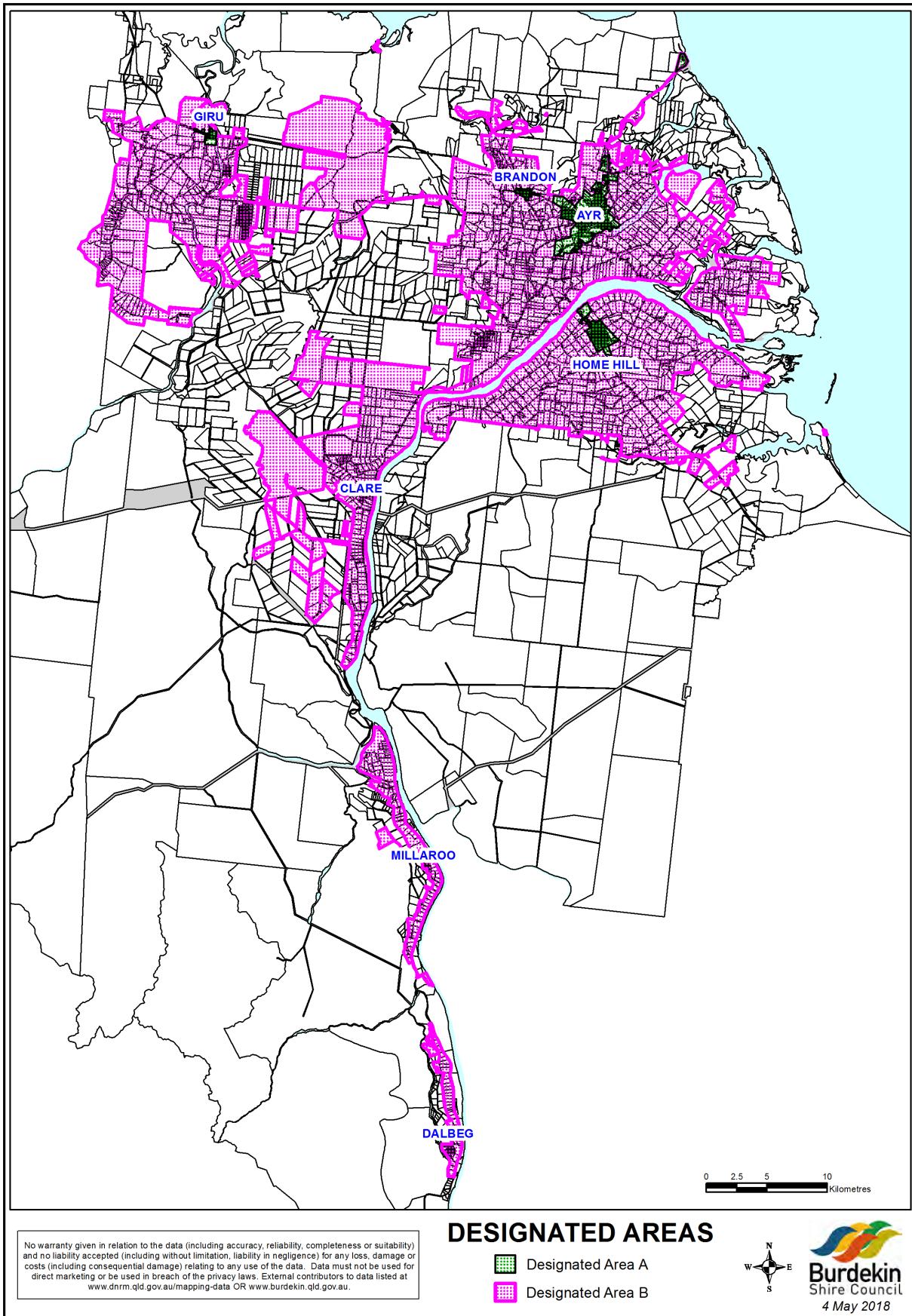
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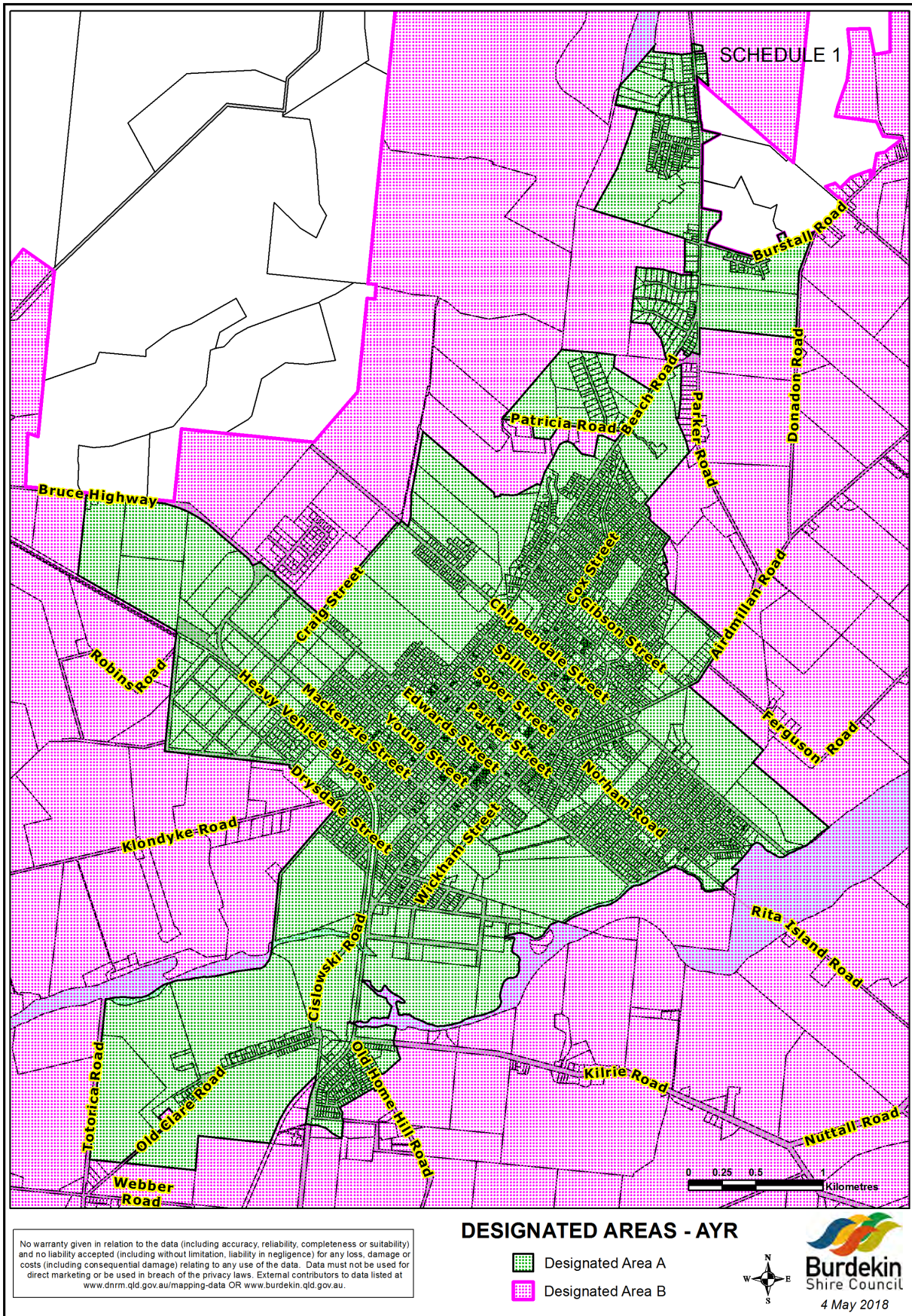
Reference Number	Document Title
Schedule 1	Schedule 1 – Maps of Waste Collection areas
ECM Doc No 1367706	Current Waste Contract
	Local Law No 8 (Waste Management) 2018

## Document History and Version Control

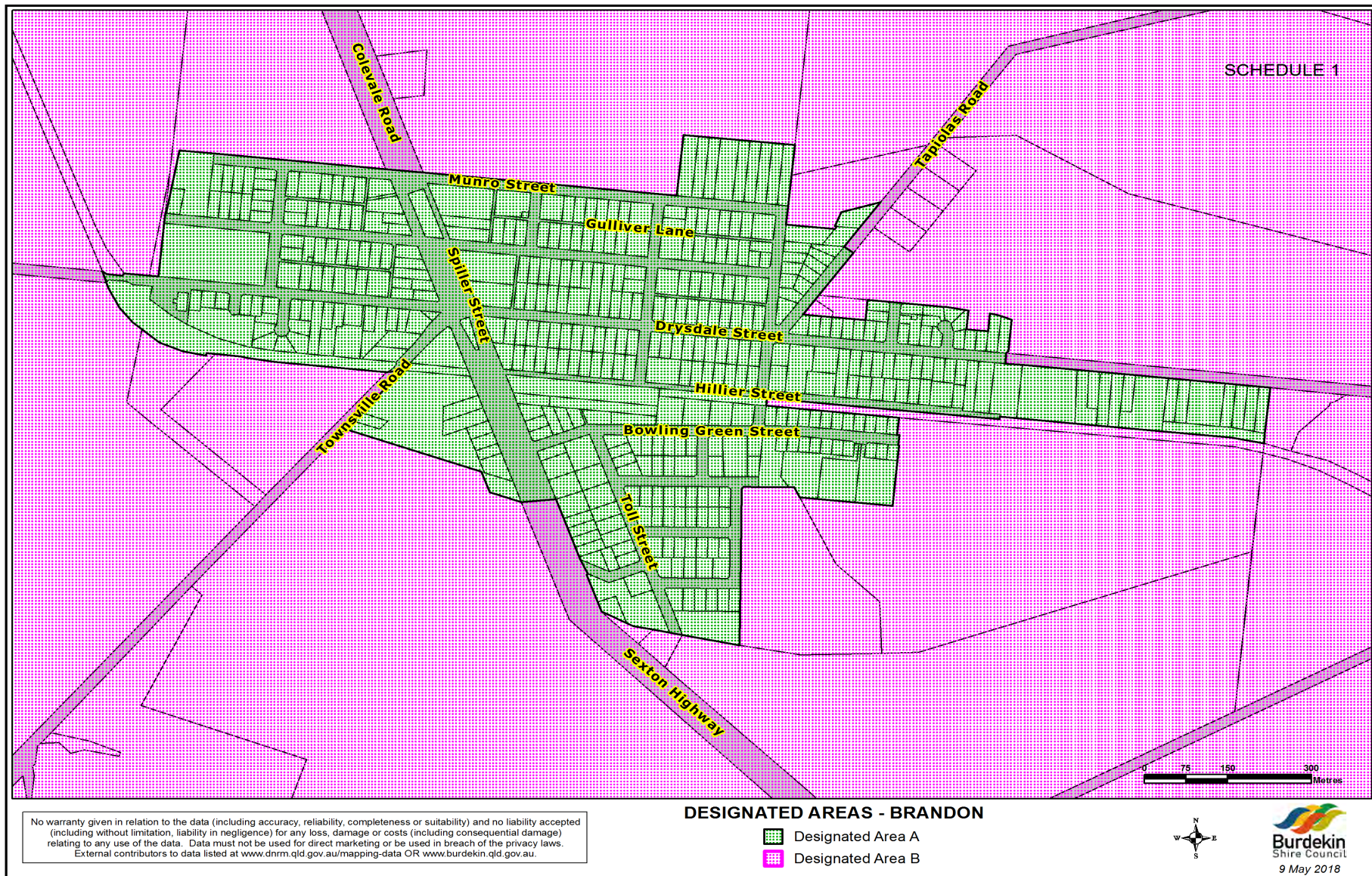
<b>Title of Document</b>	Waste Management Policy
<b>Document Reference Number</b>	WST-POL-0001 Rev 1
<b>Review Schedule</b>	24 months
<b>Council Meeting Date</b>	9 March 2021
<b>Council Resolution Number</b>	<a href="#">Click or tap here to enter text.</a>



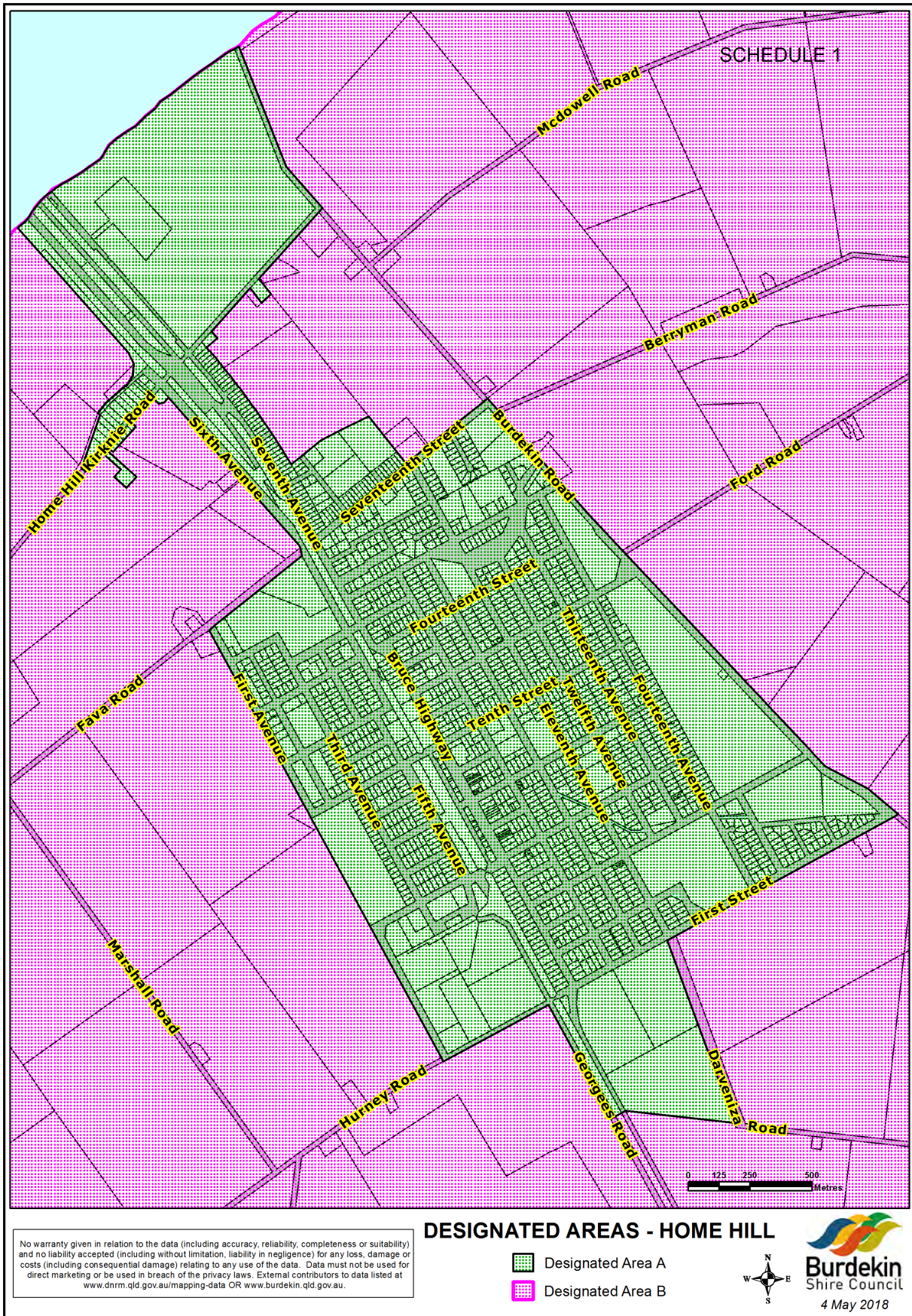




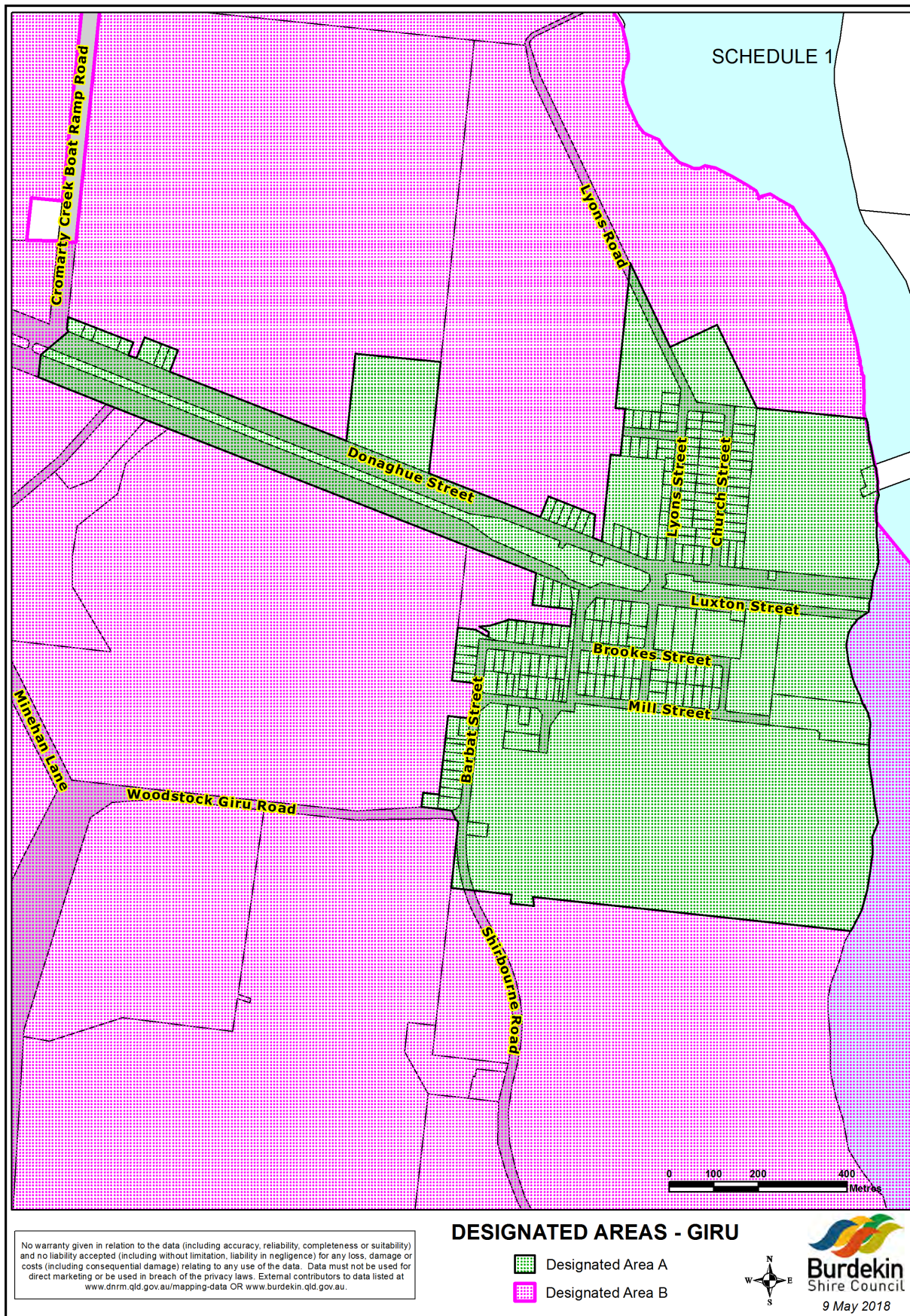












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## 6.1.2 Adoption of Tender - TBSC/20/022 - Management of Home Hill Swimming Pool and Caravan Park

<b>File Reference</b>	2294
<b>Report Author</b>	Ms. Linda Govan – Coordinator Environment and Health Projects
<b>Authoriser</b>	Mr. Dan Mulcahy – Manager Environment and Health Services
<b>Meeting Date</b>	9 March 2021

### Link to Corporate/Operational Plan

- 3.1.7 Build active communities by delivering programs around sport, recreation, parks, playgrounds and aquatic activities that promote regular physical activity as well as individual and community wellbeing
- 

### Executive Summary

The Tender for the Management of Home Hill Swimming Pool and Caravan Park was called following the end of the second extension period of the previous contract. The current contract finishes on 30 April 2021. One (1) Tender response has been received and assessed and a Recommendation is provided to accept the Tender.

### Recommendation

That Council:

1. Accepts the Tender of Lloyd and Lisa Shepherd to provide the services required under Tender TBSC/20/022 – Management of Home Hill Swimming Pool and Caravan Park for the period 1 May 2021 to 30 April 2023 with two (2) 12 month optional extensions at the discretion of Council at the tendered rate of \$3,277.56 (excluding GST) per week.

### Background

Tender TBSC/20/022 – Management of Home Hill Swimming Pool and Caravan Park was called on Friday 15 January 2021. The Tender closed on 9 February 2021 with one (1) Tender received from Lloyd and Lisa Shepherd.

The Tender was non-conforming to the Tender requirements in that an additional cost was added separately to the required price submission to cover the cost of obtaining upgraded qualifications. The tenderers were contacted and asked to review and re-submit a conforming price.

This Tender included a requirement for the successful tenderer to complete a Certificate IV in Swim Pool and Spa Service (CPP41319) within one (1) year of the commencement of the Contract. Over the last six (6) years there has been a push for industry qualifications in the management of swimming pool facilities and four (4) years ago the requirement was for attending a recognised course and now the recommendation is for the Certificate IV. The cost of completing this course was factored into the Tender was the non-conformity.

Lloyd and Lisa Shepherd are the current Contractors for the facilities and have been managing the site for the last four (4) years.

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Council used a multi-criteria assessment scoring based on:

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

The weighted score for the tenderer was 9 out of 10.

The contract will be for two (2) years with two (2) 12 months optional extensions. Within the Contract a bonus payment may be made if an income threshold is met at the Caravan Park. The bonus is for 20% of the income above the threshold.

### **Consultation**

The Tender was called on 15 January 2021, advertised on Council's Website and with Caravanning Queensland until 8 February 2021, for a three (3) week period. The Tender was available through VendorPanel and the documents were accessed by 11 parties.

### **Budget & Resource Implications**

The tendered price is:

Management of Home Hill Swimming Pool: \$ 2,361.11 (excluding GST) per week.

Management of Home Hill Caravan Park: \$ 916.45 (excluding GST) per week.

The new contract rate for the Pool represents an increase of 14% from the current price and an increase of 5% for the Caravan Park.

### **Legal Authority & Implications**

The Tender process has been followed in accordance with the *Local Government Act 2009*.

### **Policy Implications**

Not Applicable.

### **Risk Implications (Strategic, Operational, Project Risks)**

There is a risk operationally if this Tender is not accepted. There will be no one to manage the facilities when the Tender ends on the 30 April 2021. If re-tendered there could be budget implications with the price tendered by another party may be higher than what is considered an acceptable increase. The experience and the familiarity with the sites of the tenderers reduces the risk to Council and its reputation.

### **Attachments**

Not Applicable.

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## 6.2 OPERATIONS

### 6.2.1 TBSC/20/019 - Tenders to Establish a Register of Pre-Qualified Suppliers for Engineering Consultancy Services - Water and Wastewater

<b>File Reference</b>	807 and 808
<b>Report Author</b>	Mr. Gary Keane – Manager Contracts
<b>Authoriser</b>	Mr. Wayne Saldumbide – Manager Operations
<b>Meeting Date</b>	9 March 2021

#### Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

- 1.1.1 Plan, build and maintain infrastructure that enhances community assets
  - 1.4.1 Enhance water security
  - 1.4.2 Increase water supply network reliability
  - 1.4.3 Improve water quality
  - 1.4.5 Improve water and sewerage network reliability through planned infrastructure upgrades
- 

#### Executive Summary

Tenders for TBSC/20/019 – Register of Pre-Qualified Suppliers – Supply of Engineering Consultancy Services – Water and Wastewater closed at 12.00pm on 7 December 2020. Six (6) sets of documents were requested and issued to prospective tenderers.

One (1) Tender was received at the nominated closing time and one (1) Tender was received after the closing date.

The Tender which was received late cannot be considered as it was not posted early enough to reach Council by the closing date. Australia Post advises on its web page that overnight delivery is no longer guaranteed, subsequently, the late Tender did not contain any pricing schedules.

#### Recommendation

That Council accepts the Tender received from Yabbie Pond Pty Ltd to provide future Water and Wastewater Consultancy Services at the submitted rates.

#### Background

The establishment of a Register of Pre-Qualified Suppliers for Engineering Consultancy Services – Water and Wastewater will broaden the selection field for Council Officers when requesting advice from Consultants with expertise in a particular water discipline. It will also afford Council efficient procurement access to specialist niche consultancies operating in lower overhead environments to the established national Engineering Consultancies. Council will still retain the ability to source and engage Consultants from the larger Consultancies through Local Buy.

The register would be renewed on a three (3) year cycle.

A conforming Tender was received from Yabbie Pond Pty Ltd.

The late Tender was received from Assetlife.



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Council may establish a Register of Pre-Qualified Suppliers under the provisions of the *Local Government Regulation 2012*, section 232 which states:

A local government may enter into a contract without first inviting written Quotes or Tenders if the contract is entered into with a supplier from a Register of Pre-Qualified Suppliers.

A local government may establish a Register of Pre-Qualified Suppliers of particular goods or services only if –

- (a) the preparation and evaluation of invitations every time the goods or services are needed would be costly; or
- (d) a precondition of an offer to contract for the goods or services is compliance with particular standards or conditions set by the local government; or
- (e) the ability of local business to supply the goods or services needs to be discovered or developed.

This approach is consistent with provisions within Council's Procurement Policy 2020/2021.

### **Consultation**

A report to Council recommending that Council call Tenders to establish a Register of Pre-Qualified Suppliers for Engineering Consultancy Services – Water and Wastewater was adopted at the Ordinary Council Meeting on 11 September 2018.

Tenders for the above, closing at 12.00pm on 7 December 2020 were advertised in the Townsville Bulletin on 13 November 2020 and Council's Website.

### **Budget & Resource Implications**

Council's expenditure on Engineering Consultancy Services is variable year to year. Expenditure on these services is budgeted in both Capital and Operational Budgets depending on the nature of works performed.

### **Legal Authority & Implications**

*Local Government Regulation 2012* (Qld) section 232.

### **Policy Implications**

The establishment of a Register of Pre-Qualified Suppliers is consistent with the Burdekin Shire Council Procurement Policy 2020/2021 as follows:

### **Clause 3 Objectives:**

The objectives of this Policy are to achieve advantageous procurement outcomes by:

- a) promoting value for money with probity and accountability;
- b) advancing Council's economic, social and environmental policies;
- c) providing reasonable opportunity for competitive local businesses that comply with relevant legislation to supply to Council; and
- d) promoting compliance with relevant legislation.

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## **Clause 5 Principles:**

Council Officers must have regard to the following sound contracting principles in all purchasing and disposal activities in accordance with the *Local Government Act 2009*, section 104:

### **5.1 Value for money**

Council must harness its purchasing power to achieve the best value for money. The concept of value for money is not restricted to price alone. The value for money assessment must include consideration of:

- a) contribution to the advancement of Council's priorities;
- b) fitness for purpose, quality, services and support;
- c) whole-of-life costs including costs of acquiring, using, maintaining and disposal;
- d) internal administration costs;
- e) technical compliance issues;
- f) risk exposure; and
- g) the value of any associated environmental benefits.

### **5.2 Open and effective competition**

Purchasing and disposal should be open and result in effective competition in the provision of goods and services and disposal of assets. Council must give fair and equitable consideration to all prospective suppliers or purchasers.

### **7.5 Exceptions**

*Local Government Regulation 2012*, sections 229-235 identifies exceptions for medium-sized and large-sized contracts. If one of the exceptions applies, Council may enter into:

- (a) a medium-sized contract without first inviting written quotes; or
- (b) a large-sized contract without first inviting written Tenders.

The exceptions are summarized as follows:

Section 232 – Register of Pre-Qualified Suppliers.

## **Risk Implications (Strategic, Operational, Project Risks)**

The only area of concern is that Council could be exploited by there being only one (1) conforming Tender. However, all unit rates have been provided when tendering and Council is not bound to utilise this tenderer.

## **Attachments**

Not Applicable.

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## 6.3 PLANNING AND DEVELOPMENT

### 6.3.1 Development Application Material Change of Use for Telecommunications Facility (Tower) at 1353 Beach Road Alva (Lot 561 on GL12420)

<b>File Reference</b>	226 (MCU20/0017)
<b>Report Author</b>	Mr. Shane Great – Manager Planning and Development
<b>Authoriser</b>	Mr. Nick Wellwood – Director Infrastructure, Planning and Environmental Services
<b>Meeting Date</b>	9 March 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

2.4.4 Support development, diversification, sustainability and expansion of the economic base

Burdekin Shire Council Operational Plan 2020-2021

PD2 Provide for the needs of the community by delivering appropriate land use outcomes including development approvals that are considered sustainable, achievable, and cost effective

PD5 Provide Development Assessment Services which ensure land uses comply with the *Planning Act 2016*, Planning Scheme, Council Policies applicable standards and conditions of approval, assess Development Applications and undertake land use compliance inspections

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#### Executive Summary

Burdekin Shire Council acting as the Assessment Manager has received a properly made Development Application from Lendlease Services Pty Ltd on behalf of their client Optus Mobile Pty Ltd seeking a Development Permit for Material Change of Use Telecommunications Facility at 1353 Beach Road, Alva (Lot 561 on GL12420).

The proposal is for a defined use (Telecommunication Facility) and triggers an Impact Assessable Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (the scheme).

#### Recommendation

That Council approves the Development Application for a Material Change of Use Telecommunication Facility at 1353 Beach Road, Alva (Lot 561 on GL12420), subject to the following conditions:

#### Approved Plans

1. (a) The proposed development must be completed and maintained generally in accordance with the drawing/documents identified in the Table below, except as otherwise specified by any condition of this approval.

<b>Drawing Title</b>	<b>Drawing/Revision</b>	<b>DATE</b>
Draft Site Layout	B1665-P1, 01	15 September 2020
Draft Site Elevation	B1665-P2, 01	15 September 2020
Draft Property Layout	B1665-P4, 01	15 September 2020

- (b) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail.
- (c) The proposed development must comply with all scheme requirements as applying at the date of this approval, except as otherwise specified by any condition of this approval.
- (d) The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.

### **Rehabilitation**

- 2. If the use is abandoned or ceases operation, the developer must rehabilitate the site by:
  - (a) Removing the monopole and all associated infrastructure; and
  - (b) Re-instating the site back to its pre-development standard.

### **Outstanding Charges**

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

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

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

### **Damage**

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

### **Access**

- 6. The construction of any crossovers to give access to the land is to be the owner's responsibility and must be undertaken to the satisfaction of the Chief Executive Officer.

### **Public Utility Services**

- 7. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

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## **Stormwater**

8. 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.

## **Background**

Burdekin Shire Council acting as the Assessment Manager has received a properly made Development Application from Lendlease Services Pty Ltd on behalf of their client Optus Mobile Pty Ltd seeking a Development Permit for Material Change of Use Telecommunication Facility at 1353 Beach Road, Alva (Lot 561 on GL12420).

The proposal triggers an Impact Assessable Development Application in accordance with the provisions of the scheme. This Application also requires public notification and given that the Application is Impact Assessable a resolution of Council.

## **The Application**

The proposal is to install a new Telecommunications Facility located in the southwest corner of the subject site on a leased area of approximately 85m<sup>2</sup> which will be enclosed by a 2.4 metre high chain-link fence and 3 metre wide access gates.

The facility will comprise:

- a new 30 metre monopole;
- three (3) panel antennas and six (6) remote radio units mounted on the headframe at the top of the pole;
- an equipment shelter mounted on an elevated platform; and
- external fencing and ancillary infrastructure and connections.

The facility will operate primarily as an unmanned facility and only require infrequent maintenance visits generally no more than two (2) to four (4) times a year. No car parking or formalized access is proposed.

The proposed facility will be approximately 50 metres from the existing NBN mono pole which will cluster infrastructure together to avoid the proliferation of facilities across the landscape. The pole will be finished in a dull grey, this being a colour that tends to blend into the skyline in all weathers.

## **Site Description/Surrounding Land Uses**

The subject property is a large rectangular shaped Lot with an approximate area of 146ha, Beach Road dissects a small portion of the Lot on the eastern side with a tidal creek abutting the eastern boundary of the site. The Lot has historically been utilised as grazing land and is currently undeveloped except for an existing NBN monopole.

The surrounding area is predominantly large rural properties primarily used for grazing purposes. The closest residential dwelling to the proposed facility is 900 metres to the north-east in the township of Alva.

## **Planning Scheme Assessment**

The subject land is zoned Rural, with the proposal triggering an Impact Assessable Development Application. The Application has been assessed against the relevant provisions of the Burdekin Shire Council's IPA Planning Scheme (the scheme) and as identified above triggers impact assessment under Table 4 – Assessment Categories for the Rural Zone – Making a Material Change of Use.

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In assessing the Application, consideration has been given to all relevant components of the scheme including the Desired Environmental Outcomes (DEO), Specific Outcomes in the Rural Zone Code.

The proposed use is described as a Telecommunications Facility as defined in the scheme:

*Telecommunications Facility*

*“Means the use of premises for the purpose of any telecommunications activity other than that defined as a low impact facility under the Commonwealth Telecommunications Act 1997”.*

The applicant has provided supporting material by way of a planning report submitting how they believe the proposal will comply with the relevant components of the scheme and includes information addressing important planning matters such as design specifications, site characteristics, visual amenity, and public safety.

Given the nature of the proposal, general compliance with the relevant components of the scheme can be achieved and are summarised as follows:

*Desired Environmental Outcomes*

The proposal does not compromise the DEO's of the scheme having regard to each in balance. In particular:

- Economic Development - the proposal will provide opportunities for advances in communication services to the community of Alva which will facilitate economic, educational opportunities;
- Biodiversity Conservation Values – the proposal does not have any adverse impact on the outcomes sought by this DEO as it will be located in a previously disturbed location. Due to the size of the proposal, there will be limited impact on local flood risk or stormwater flow;
- Urban Development and Infrastructure – the proposal will provide:
  - a) an improved communications network for the area supporting the adequate and sufficient servicing of the community with necessary development and community infrastructure; and
  - b) while the structures design is limited as an item of infrastructure, the applicant has attempted to locate it away from residential properties.
- Community Well Being – the development of the proposed facility is in response to the applicants need to improve their telecommunication services in the catchment area.

*Rural Zone Code*

The proposed development has been assessed against the Rural Zone Code and is generally compliant with the overall outcomes of the Code. Specific outcomes and acceptable solutions for the Rural Zone Code have been considered however it must firstly be noted that as the proposal relates to telecommunications infrastructure, some of the specific outcomes within the Rural Zone are not applicable.

The performance criteria that are the most specific to the proposed development are Site Suitability, Land Use Suitability, Visual Amenity and Building Design. The steps taken to reduce these impacts are:

- the use of the shortest possible tower to gain the required coverage;

- 
- the use of a monopole as opposed to a lattice structure for the tower (which reduces the visual bulk of the proposed tower); and
  - located away from sensitive land uses, does not require a water supply and has appropriate vehicle access.

It is not considered that the Application is in substantial conflict with any Planning Scheme Desired Environmental Outcome (DEO's) or Specific Outcomes of the Rural Zone Code that would warrant refusal or that could not be justified by reasonable planning grounds.

### **Commonwealth Planning Controls:**

Optus as a licenced telecommunications carrier must operate under the provisions of the *Telecommunications Act 1997* and its supporting legislation.

These include the:

- *Telecommunications Code of Practice 1997* – The applicant considers that the proposed facility setbacks from existing dwellings, size of proposed tower and site location are compliant with industry standards and minimise adverse impacts on the surrounding environment;
- Mobile Phone Base Station Deployment Code – All licensed telecommunication carriers must abide with the provisions of the Code. Sections of this Code relevant to new sites require the completion of a precautionary approach checklist for site selection, design and operation. It is also a requirement that an Electromagnetic Energy (EME) Report be prepared for all new sites. The results of this Report show that the EME levels for the proposed facility is 0.77% of the maximum public exposure limit under the Australian Standard; and
- *The Environmental Protection and Biodiversity Conversation (EPBC) Act 1990* obligates telecommunication carriers to consider matters of national environmental significance. There were no matters for consideration under the *EPBC Act* when a search was carried out.

### **Conclusion**

The proposed Telecommunications Facility, comprising a 30 metre high tower with attached antennas and an outdoor equipment shed is to be sited in a location deemed to be a sufficient distance away from any incompatible land uses whilst ensuring adequate coverage is achieved.

In this regard the proposal satisfies the requirements of the *Telecommunications Act 1997*, whilst also addressing coverage deficiencies within the local area.

Telecommunication Facilities such as that proposed are becoming a more ordinary part of any urban landscape and similar to power lines and power poles.

The proposal is designed and located as best suits the needs of the facility and to mitigate as far as reasonable the visibility of the tower from nearby residents. Remaining impacts are considered on balance to be reasonable for the area and need for that facility.

Council's Development Assessment Team members have assessed the Application in accordance with statutory legislation including the scheme and the *Planning Act 2016*. Reasonable and relevant conditions have been included as part of the Recommendation.

Officers are confident that a decision to approve can be defended due to the ability of the proposal to comply with adopted Planning Regulations and Policies. It is recommended that Council approves the Application subject to the abovementioned conditions.

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**Consultation**

Given that the Development Application was triggered as Impact Assessable, public notification was required. The Application was publicly notified between 15 January 2021 and 9 February 2021. There were no properly made submissions received. All relevant Council Departments have been consulted with comments and development conditions included as part of the Recommendation.

**Budget & Resource Implications**

Possible legal fees associated with any Planning and Environment Court appeal.

**Legal Authority & Implications**

A potential risk is present in that any decision made by the Assessment Manager may attract an appeal in the Planning and Environment Court.

**Policy Implications**

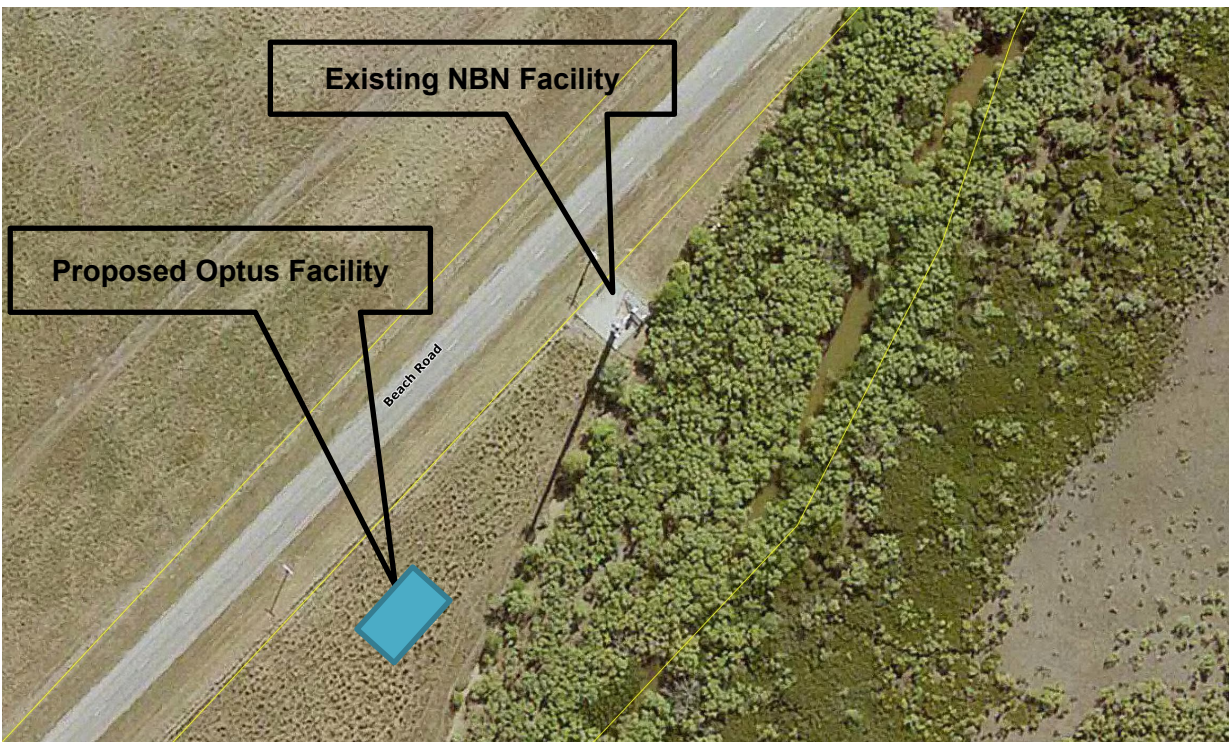
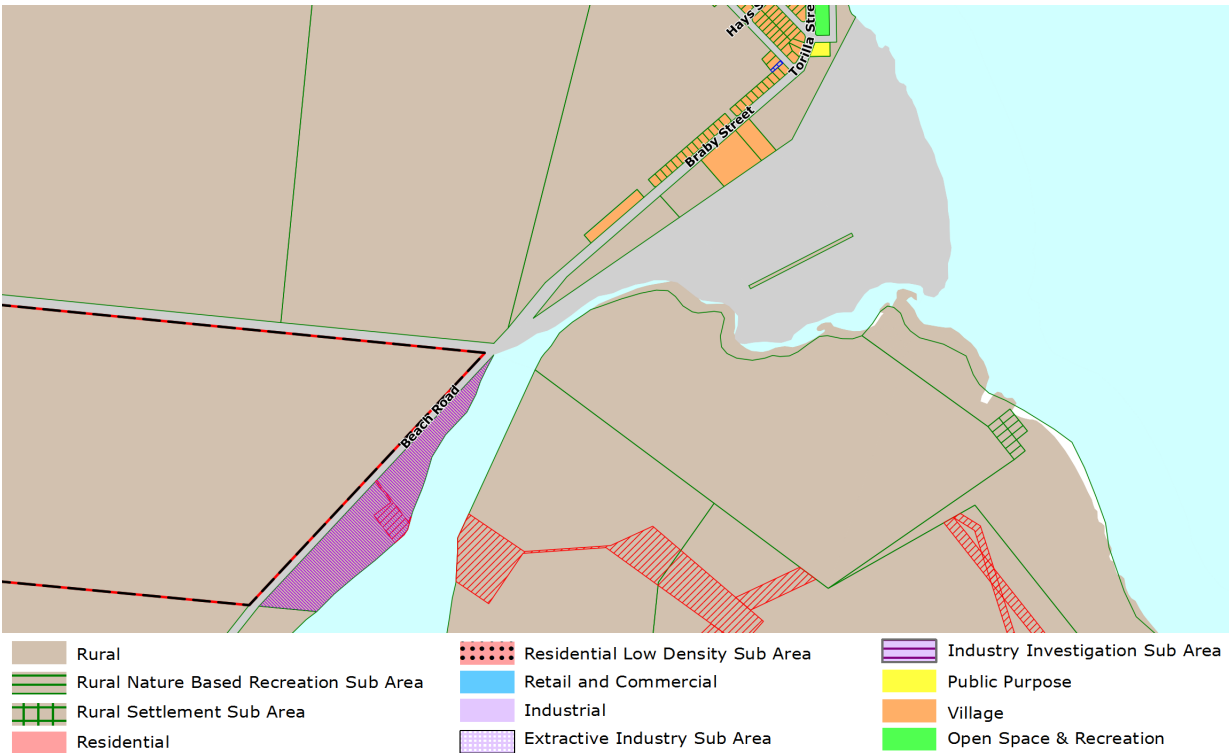
Not Applicable.

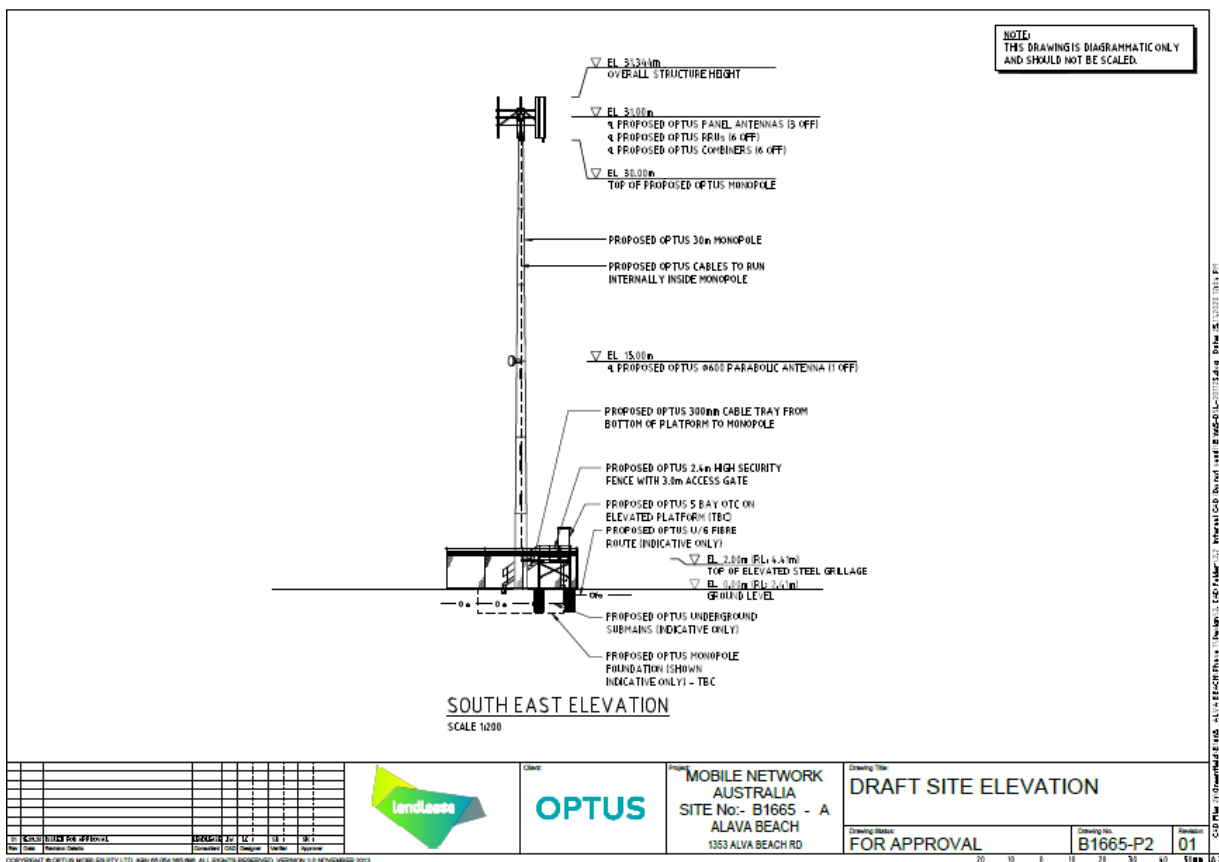
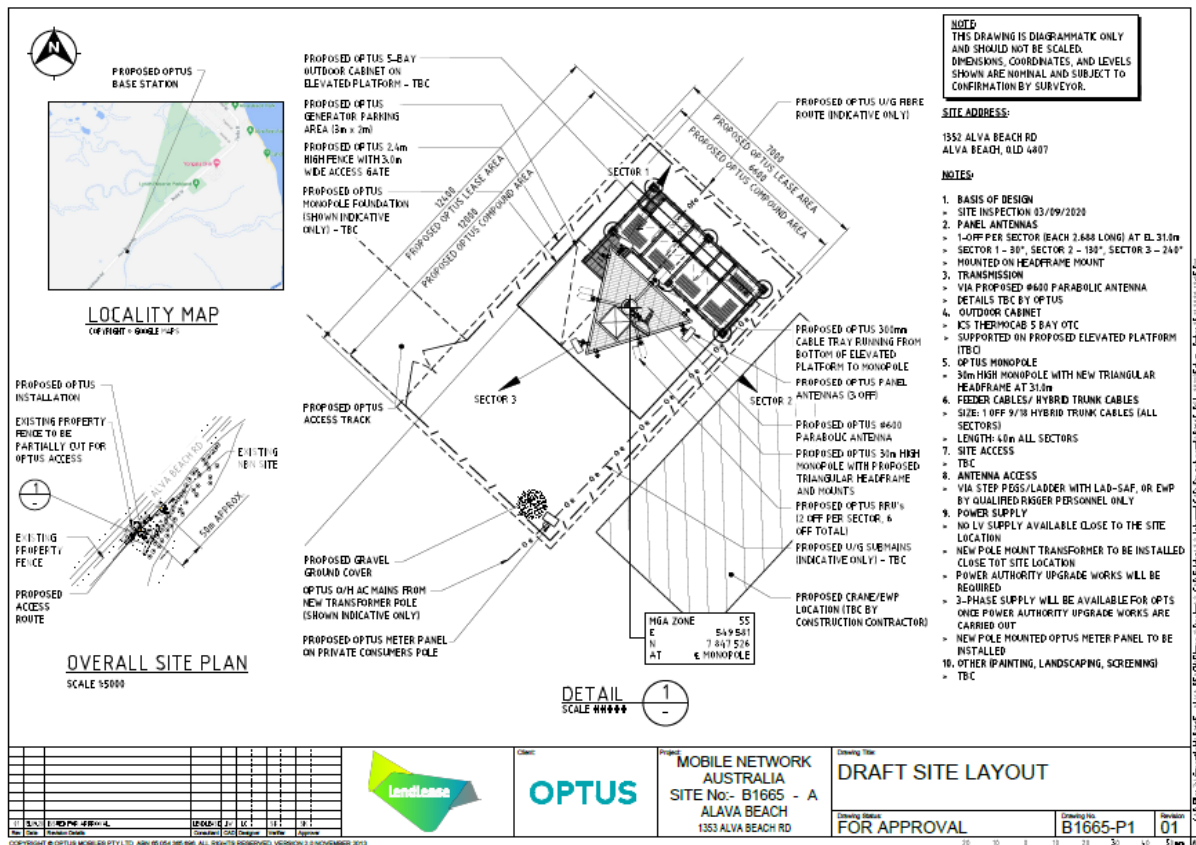
**Risk Implications (Strategic, Operational, Project Risks)**

Minimal organisational risk is apparent given that the Recommendation has considered all relevant outcomes associated with Strategic, Operational and Project risks.



Attachments





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### 6.3.2 Tenders Received for TBSC/20/025 and TBSC/20/026 - Burdekin Theatre - Toilets Refurbishment and New Courtyard Decking

<b>File Reference</b>	217
<b>Report Author</b>	Mr. Keith Lewty – Facilities Management Coordinator
<b>Authoriser</b>	Mr. Shane Great – Manager Planning and Development
<b>Meeting Date</b>	9 March 2021

#### Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

- 1.2 Management and maintenance of community assets
  - 3.3 Creating places of community identity
  - 3.4 Provision of public space
- 

#### Executive Summary

Refurbishment of the Burdekin Theatre amenities was identified as a major Capital Works Project to be carried out during the 2020/2021 financial year.

Section 224(3) of the *Local Government Regulation 2012* requires Council to invite written Tenders for large-sized contractual arrangements that is expected to be worth, exclusive of GST, \$200,000.00 or more in a financial year.

The Burdekin Theatre – Toilet Refurbishment and New Courtyard Deck Works were expected to fall within this category. At the closing date for Tenders on Tuesday, 23 February 2021, three (3) Tenders were received through VendorPanel.

#### Recommendation

That Council:

1. Accept the Tender submitted by RJG Builders Pty Ltd being \$266,251.51 for the amenities refurbishment, and \$142,543.60 for the Courtyard Deck (excluding GST) in accordance with their submission received.
2. Approves the increase in the amenities total budget to \$292,252.00 (excluding GST) which covers the following:
  - a) Budget variance to Tender price \$266,251.51 (excluding GST); and
  - b) Contingency sum for unknown costs \$26,000.49 (excluding GST).
3. Approves the decrease in the New Courtyard Deck Project from \$250,000.00 (excluding GST) to \$178,982.00 (excluding GST) which covers the following:
  - a) Budget variance to Tender price \$142,543.60 (excluding GST);
  - b) Contingency sum for unknown costs \$30,000.40 (excluding GST); and
  - c) Part cost of design drawings and engineering \$6,438.00 (excluding GST).

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## Background

Expressions of Interest were advertised on Friday, 18 December 2020 through VendorPanel and Council's Website as well as the Townsville Bulletin on Saturday, 19 December 2020. Six (6) Contractors registered their interest by the allocated closing time – 4.00pm Monday, 18 January 2021.

Tenders (TBSC/20/025 and TBSC/20/026) for the Burdekin Theatre – Toilets Refurbishment and New Decking to Courtyard were advertised in the Townsville Bulletin, on Council's Website and VendorPanel after receiving the final drawings on Thursday, 4 February 2021. At closing time on Tuesday, 23 February 2021, three (3) Tenders were received.

Tenders were assessed through VendorPanel using a multi-criteria assessment scoring based on:

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

Details of the valuation of Tenders are summarised below:

Company Name	Weighted Scores	Ranking	Completion Time
RJG Builders Pty Ltd	9.4/10	1	Friday, 21 May 2021
JMAC Constructions Pty Ltd	8.2/10	2	Tuesday, 15 June 2021
Kane Constructions (QLD) Pty Ltd	6.7/10	3	Monday, 24 May 2021

## Consultation

Not Applicable.

## Budget & Resource Implications

The original "Burdekin Theatre – Refurbishment and Upgrade" budget was \$821,691.00 from the Works for Queensland Round Three (3) funding. The budget increase required to complete the Toilet Refurbishment would maintain an overall budget surplus by \$56,233.00.

The original "Burdekin Theatre – New Courtyard Deck" budget was \$250,000.00 from the Works for Queensland COVID funding. A budget decrease of \$71,018.00 would maintain adequate funds within this budget to complete the specified works.

## Legal Authority & Implications

Not Applicable.

## Policy Implications

Council's Procurement Policy.

## Risk Implications (Strategic, Operational, Project Risks)

Restrictions on egress and access for patrons and staff while construction is underway. Council will work closely with the Contractor to minimize this safety risk.

Underground services within the courtyard area to be cleaned out and identified with the Contractor prior to commencing work.

Potential weather delays.

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**Attachments**

Not Applicable.

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## 6.4 TECHNICAL SERVICES

### 6.4.1 Requesting Additional Expenditure for Technical Services for Temporary Contracting Role

<b>File Reference</b>	1418
<b>Report Author</b>	Mr. Glen Stockdale – Design Office Coordinator
<b>Authoriser</b>	Mr. Nick Wellwood – Director Infrastructure, Planning and Environmental Services
<b>Meeting Date</b>	9 March 2021

#### Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

- 1.1.1 Plan, build and maintain infrastructure that enhances community assets
- 1.1.2 Prioritise infrastructure projects that will contribute to liveability and growth in the Burdekin
- 1.3.1 Prioritise upgrades to the road network to improve safety and connectivity
- 5.4.1 Develop a cost-effective, adaptable and capable workforce to implement the vision for Burdekin Shire Council

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#### Executive Summary

Council has recently employed a Project Manager from Project Delivery Managers Pty Ltd on a short-term arrangement to provide support within the Technical Services Section to ensure timely delivery of a number of Civil Construction Projects. Due to additional staff shortages since the original engagement, an extension of this arrangement is requested.

#### Recommendation

That Council extend the Project Management engagement with Project Delivery Managers Pty Ltd through a Local Buy Agreement until completion of the Conley Street Drainage Upgrade Project (estimated June 2021). The estimated additional cost of \$110,000.00 excluding GST (total cost approximately \$249,849.10 excluding GST) will be funded from Capital Projects.

#### Background

The Technical Services Section has required external support to deliver Council's Capital Works Program, due to recent staff resignations causing a resource gap within the Design and Construction Management areas of Council's Road and Drainage Program.

The Design Office has been operating without a cadet for 12 months, and the resignation of a qualified Technical Officer occurred in December 2020. Council's efforts to recruit these positions have so far been unsuccessful, however the recruitment process is ongoing. Council's Project Engineer (Callan Paige) was also seconded to the Acting Manager Water and Wastewater role in September 2020 through to March 2021 following the resignation of the previous Manager. Council's Parks Coordinator is also on extended leave with an unknown return date. The lack of these positions has caused resourcing issues with managing the Capital Projects from the various Departments of Council.

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Council originally went to market by contacting Local Buy vendors to investigate availability of suitable applicants who had the required level of skills and experience to perform the duties required by Council on a temporary contract basis. After numerous phone calls and approaches to several consultants and/or other organisations we were able to find only two (2) potential candidates:

- Project Engineer with Leading Roles; and
- Project Manager with Project Delivery Managers Pty Ltd (PDM).

Following review of their CV's and analysis of their contract rates it was determined that the PDM candidate was most suitable due to his significant Design and Construction Management experience.

The contract rate for the PDM Project Manager is \$145.00 per hour which was negotiated down from the Local Buy rate as a discount to Burdekin Shire Council.

The PDM Project Manager was hired under a temporary contract role for a minimum of three (3) months with a cost estimated at \$80,000.00. This cost has now been fully expended (total cost to date \$139,849.10 excluding GST); however workloads and ongoing staff shortages require this period to be extended to enable completion of the large current Capital Program.

While Council's Project Engineer will return to his usual role in late March, this will be offset by the recent resignation of the Project Manager appointed to manage delivery of Council's major Water Supply Capital Projects. The ongoing management of these Projects will require a combination of Callan Paige, the PDM Project Manager and other consultants' time and experience to keep them within time and budget constraints.

The PDM Project Manager's experience has also been utilised to provide support for Projects from outside of the Technical Services Section of Council such as the Ninja Playground, and the replacement of the Town Entry Signs.

The cost of the PDM Project Manager's work is fully capitalised across a number of current year Capital Projects.

It is recommended that the engagement of the PDM Project Manager be continued until the completion of the Parker Street and Conley Street Major Drainage Projects (expected completion June 2021) as he has performed the primary contract supervision role for these Projects. It will otherwise be necessary to increase the manhours and workload on the remaining Design Office Staff. If the role had to be resourced "in house" there are major concerns that Council would not be able to deliver the current Capital Works Program for the 2020/2021 financial year.

### **Consultation**

Not Applicable.

### **Budget & Resource Implications**

The PDM Project Manager's costs are currently being charged to a combination of the Capital Projects he works on, however this is offset by the Technical Services wage budget which has funds available due to the unfilled positions of Technical Officer and Cadet Technical Officer. The additional expenditure required is expected to be approximately \$110,000.00 excluding GST, which will be funded from the Capital Works Program.

The costs of the PDM Project Manager's engagement are capitalised on the current Projects in this year's budget.

### **Legal Authority & Implications**

Not Applicable.

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**Policy Implications**

Not Applicable.

**Risk Implications (Strategic, Operational, Project Risks)**

Design risks are mitigated by certification by Council's two (2) in-house Registered Professional Engineer Queensland (RPEQ) certified engineers. Project delivery risks are mitigated by the extension of the arrangement for Project Management support.

**Attachments**

Not Applicable.



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## 6.4.2 Tenders Received TBSC/21/005 - Rita Island Road - Asphalt Overlay on Floodway

<b>File Reference</b>	2302
<b>Report Author</b>	Mr. Dean Pappalardo – Technical Officer
<b>Authoriser</b>	Mr. Nick Wellwood – Director Infrastructure, Planning and Environmental Services
<b>Meeting Date</b>	9 March 2021

### Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

- 1.1.1 Plan, build and maintain infrastructure that enhances community assets
  - 1.1.2 Prioritise infrastructure projects that will contribute to liveability and growth in the Burdekin
  - 1.1.3 Prioritise upgrades to the road network to improve safety and connectivity
- 

### Executive Summary

Tender TBSC/21/005 is for the upgrade of the wearing surface on the Rita Island Road Floodway closed on 22 February 2021. Council invited four (4) Contractors to submit a Tender and at the time of closing Council received Tenders from one (1) bidder with a price of \$368,847.48.

This project is jointly funded by Local Roads and Community Infrastructure Program 2020/2021 and Burdekin Shire Council with a budget allocation of \$350,000.00.

With the additional Tender price (\$18,847.48), ongoing project management costs (\$10,589.10 committed to date) and an allowance of \$40,563.47 for additional contingencies and project management of latent conditions associated with the concrete floodway, Council's forecast expenditure on this project is \$420,000.00. As a result, Council will need to approve additional budget allocation for the project to proceed.

The project, with its Federal funding is programmed to be completed by 30 June 2021.

### Recommendation

1. That Council accepts the Tender received for TBSC/21/005 from Jackson Semler Pty Ltd for the GST exclusive price of \$368,847.48.
2. Council approves additional budget of \$70,000.00 increasing the total budget allocation for the project to \$420,000.00.

### Background

This Tender is for the upgrade of the wearing surface on the Rita Island Road Floodway. Works include the removal of the areas of chip seal overlay in poor condition, concrete surface rehabilitation and joint preparation for the installation of a new asphalt overlay. This project is jointly funded by Local Roads and Community Infrastructure Program 2020/2021 and Burdekin Shire Council. The Tender was submitted through VendorPanel with four (4) Contractors invited to submit a Tender. Three (3) companies declined to submit a Tender. Jackson Semler Pty Ltd provided a detailed schedule of quantities and evidence of other similar projects that they have successfully completed. Jackson Semler's tendered price of \$368,847.48 exceeds the remaining budget by \$29,436.58.

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Council has committed \$10,589.10 of the allocated budget towards project management, design and initial survey works.

### **Consultation**

Council's Manager Technical Services, Manager Operations and Design Office Coordinator with Project Delivery Management Consultants and Technical Officers have provided input into the best practice in order to complete the works. Consultation and Tender discussions were undertaken with representatives from Jackson Semler Pty Ltd.

### **Budget & Resource Implications**

The original budget allocation for the project was \$350,000.00.

Additional budget of \$70,000.00 including contingency is required to fund the project which will be formally recognised at the second budget review for 2020/2021. The additional budget will be re-allocated from underruns on completed projects in the roads budget.

### **Legal Authority & Implications**

Not Applicable.

### **Policy Implications**

Not Applicable.

### **Risk Implications (Strategic, Operational, Project Risks)**

Council has determined the following risks and is controlling the risks through the introduction of controls and records in the Operational Risk Register:

1. Delays in delivery of equipment to site;
2. Project cost overruns;
3. Hazards associated with working near traffic;
4. Hazards associated with working around water;
5. Environmental hazards associated with working around watercourse;
6. Poor weather conditions;
7. Safety requirements not being met on site; and
8. Project time overruns.

As the Project is funded through the Local Roads and Community Infrastructure Program 2020/2021 it is imperative that the timelines and funds are controlled to meet Program funding and time deadlines to complete the project by 30 June 2021.

### **Attachments**

Not Applicable.

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**7 NOTICE OF MOTION**

**8 RECEIPT OF PETITIONS**

**9 CORRESPONDENCE FOR INFORMATION**

Tabled Separately

**10 GENERAL BUSINESS**

**11 CLOSED BUSINESS ITEMS**

**11.1 Confidential Report - Enforcement Action Property Number 1161**

**12 DELEGATIONS**

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