



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 13 April 2021

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 13 APRIL 2021

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ATTENDANCE

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

Mr. T. Brennan - Chief Executive Officer

Mr. N. O'Connor – Director Corporate and Community Services

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

Mrs. K. Olsen – Manager Financial and Administrative Services (Part)

Mr. D. Mulcahy – Manager Environmental and Health Services (Part)

Mr. M. Pearce – Senior Planning Officer (Part)

Ms. F. Smith – Financial Accountant Reporting (Part)

Minutes Clerk – Ms. G. Biffanti

1 PRAYER

The meeting prayer was delivered by Pastor Andrew Ballin of the Baptist Church.

9.06am Mrs. Olsen and Ms. Smith entered the meeting.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 23 March 2021

Recommendation

That the minutes of the Ordinary Council Meeting held on 23 March 2021 be received as a true and correct record.

Resolution

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

CARRIED

3.2 Burdekin Shire Road Safety Advisory Committee Meeting Minutes - 9 December 2020

Summary of recommendations and actions for consideration and adoption:

Item 6.2 – It's All Good Campaign, Planning for Success, Seniors on the Road and Caravanning Expo

That Council support the Department of Transport and Main Roads by sharing information about these initiatives in the Burdekin Community.

Item 6.8 – Noise Complaints – Seventh Avenue, Home Hill

That Council Officers investigate truck air-breaking road signage near the Queensland Railway Line crossing Seventh Avenue, Home Hill and upgrade as necessary.

Recommendation

That:

1. the minutes of the Burdekin Shire Road Safety Advisory Committee Meeting held on 9 December 2020 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Items 6.2 and 6.8 above be adopted.

Resolution

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

CARRIED

9.21am Mr. Mulcahy entered the meeting.

3.3 Burdekin Shire Youth Council Meeting Minutes - 22 March 2021

Summary of recommendations and actions for consideration and adoption:

That Council note the newly elected 2021 Youth Council Executive:

Youth Mayor – Xavier Wood
Deputy Youth Mayor – Gracie Hosie
Secretary – Layla Kelly

Item 7 – Arts and Cultural Strategy Youth Consultation

That Council notes the participation of Youth Council Members who contributed to consultation discussions regarding the Arts and Cultural Strategy and notes that all Youth Council Members have been invited to complete the online youth strategy survey.

Item 9 – Cultural and Community Development Advisory Groups

That Council notes that members of the Youth Council have been encouraged to consider nominating for a position on the Cultural Advisory Group and the Community Development Advisory Group.

Item 10 – Proposed Family Skate Night

That Council acknowledge the Youth Council's proposal to assist in hosting a Family Skate Night in Term Two (2) of this calendar year with support from Council's Community Development Team and Burdekin PCYC.

Item 11 – Proposed Public Speaking Program for Youth Council Members

That Council acknowledge the proposed participation by Youth Council Members in a public speaking program to be delivered by Joanne Keune from Speakeze during 2021.

Recommendation

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 22 March 2021 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Items 7, 9, 10 and 11 above be adopted.

Resolution

Moved Councillor Perry, seconded Councillor Furnell that the recommendation be adopted noting a correction in the Burdekin Shire Youth Council Meeting Minutes to note Councillor Perry's attendance at the Giru Outdoor Movie Night held on 5 March 2021.

CARRIED

4 EXECUTIVE

9.31am Mr. Pearce entered the meeting.

4.1 CEO

4.1.1 Council Workshop - March 2021

Executive Summary

The Council conducted two (2) Workshops during the past month on 2 and 16 March 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 March 2021 be received and noted.

Resolution

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

CARRIED

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 Adoption of 2021/2022 Revenue Policy

Executive Summary

Under the *Local Government Act 2009*, Council is required to prepare, and by resolution, adopt a revenue policy for each financial year.

The policy identifies the principles Council intends to apply in relation to levying rates and charges, granting concessions for rates and charges, recovering overdue rates and charges and cost-recovery methods.

Recommendation

That Council adopts the attached 2021/2022 Revenue Policy.

Resolution

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

CARRIED

5.3.2 Second Amended Budget for 2020/2021

Executive Summary

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

Management has completed a review of the 2020/2021 budget based on results to the end of February and estimated transactions for the remainder of the financial year.

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

Recommendation

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

Resolution

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

CARRIED

9.46am Mrs. Olsen and Ms. Smith left the meeting.

5.4 GOVERNANCE

5.4.1 Agreement for Use - Storage Shed at Ayr Showgrounds - Lions Club of Home Hill Incorporated

Executive Summary

Council approval is requested to consent to entering into an Agreement for Use as follows:

User:	Lions Club of Home Hill Incorporated
Premises:	Ayr Showgrounds 9-21 Edwards Street, Ayr (Lot 45 on Crown Plan GS490)
Facility:	Shed
Permitted Use:	Storage
Term:	Five (5) years
Rent:	\$0.10 per annum if demanded

Recommendation

That Council:

1. Agree to enter into an Agreement for Use with the Lions Club of Home Hill Incorporated for a five (5) year term.

Resolution

Moved Councillor Perry, seconded Councillor Boccalatte that the recommendation be adopted noting the amendment in Consultation be changed from 'Not Applicable' to 'Burdekin Shire Council Workshop Meeting, Lions Club of Home Hill Incorporated and Lions Club of Ayr Incorporated'.

CARRIED

6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

6.1 ENVIRONMENTAL AND HEALTH SERVICES

6.1.1 Animal Management (Amendment) Subordinate Local Law (No. 1) 2021

Executive Summary

The purpose of the amending Subordinate Local Law is to amend *Subordinate Local Law No. 2 (Animal Management) 2012* ('the Subordinate Local Law') to the extent that it regulates the keeping of a horse (including a racehorse), mule, ass, donkey, cow, bull, buffalo or camel in the Local Government area of Council by prescribing prohibitions, approval requirements and minimum standards for the keeping of animals.

Recommendation

That Council resolves to propose to make *Animal Management (Amendment) Subordinate Local Law (No. 1) 2021*.

Resolution

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

CARRIED

6.1.2 Future Treatment of Wunjunga TV Reception Infrastructure

Executive Summary

Council has maintained and repaired the TV reception infrastructure at Wunjunga for a number of years since 1987/1988 under different cost sharing models. Currently Council is bearing the cost of any repairs and maintenance. New technologies have been developed that now allow Wunjunga residents to obtain certain free to air channels.

A recommendation is provided for the future treatment of the Wunjunga TV Reception Infrastructure.

Recommendation

That Council hand back the responsibility of the repair and maintenance of the Wunjunga TV Reception Infrastructure to the Wunjunga Progress Association (WPA), effective from the next instance of equipment breakdown.

Resolution

Moved Councillor Musumeci, seconded Councillor Perry that Council liaise with the Wunjunga Progress Association (WPA) regarding the proposed handing back of responsibility for the repair and maintenance of the Wunjunga TV Reception Infrastructure.

CARRIED

10.21am Mr. O'Connor left the meeting.

10.24am Mr. O'Connor returned to the meeting.

10.26am Mr. Mulcahy left the meeting.

6.1.3 Proposed Fruit and Vegetable Stall - Plantation Park, Ayr

Executive Summary

A written request has been made by Ms. Sisay McLearn to operate a fruit and vegetable stall at Plantation Park and a recommendation on the request is provided. Ms. McLearn had previously been approved to operate on the Bruce Highway side of Plantation Park, Ayr however in November 2019, was advised to relocate due to safety reasons.

Council has recently considered a Draft Policy for vending on council owned and controlled land and the conditions outlined herein conform with the Draft Policy.

Recommendation

That Council approves the request from Ms. Sisay McLearn to operate a fruit and vegetable stall on the left side of the shelter which is adjacent to the sign as you enter Plantation Park, Ayr from the Bruce Highway. This is subject to the following conditions:

1. The applicant is to complete and submit an application for Commercial Use of Local Government Controlled Areas and Roads.
2. Conditions of approval will include:
 - a. The conduct of the approved use must be in accordance with the application submitted and any supporting documentation, except as otherwise specified by any conditions of approval;
 - b. The preparation, handling and serving of food and drinks are to be conducted in accordance with the requirements of the *Food Act 2006* and *Food Standards Australia and New Zealand (FSANZ) Food Standards Code*;
 - c. Compliance with the *Environmental Protection (Noise) Policy 2019*;
 - d. Hold public liability insurance in an amount not less than \$10 million against claims for personal injury and property damage resulting from the approved use;
 - e. Indemnify the Council and the State Government (in respect of State owned land) against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the Council or the State as a result of the activity;

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- f. Restricted to the designated site as approved by Council;
 - g. If the approval holder or the holder's employee or agent intentionally or negligently damages the Council controlled area, it must pay to the Council the amount it would cost to rectify the damage;
 - h. Mobile vendor vehicles are to be roadworthy vehicles that are licenced by the Department of Transport and Main Roads;
 - i. Ensure that the vehicle and all equipment used in the operation of the activity are maintained in good working order and in a clean and sanitary condition at all times;
 - j. No obstruction to pedestrian flow or vehicular traffic;
 - k. Only serve customers from the non-traffic side of the vehicle used in the operation of the activity;
 - l. Compliance with existing parking restrictions which apply to the area at all times;
 - m. The activity must not have an unreasonable detrimental effect on the amenity of the surrounding area;
 - n. Litter is to be cleared at all times from in and around the vendor site by the operator;
 - o. Appropriate rubbish bins are to be provided by the operator in numbers adequate to service the patrons and removed, along with all rubbish from the site at the end of each trading day;
 - p. Not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and reliability) Act 2008*;
 - q. Trees and other significant streetscape elements such as benches, pergolas and rubbish bins are not to be obstructed, covered, removed, relocated or modified;
 - r. Permanent structures are not permitted;
 - s. Any temporary fixtures (such as umbrellas, bins and stools) are to be safe to use and removed at the end of trading. The use of and location of these fixtures must be approved;
 - t. Fixtures are not to be placed where they present a barrier or danger to pedestrians or vehicles;
 - u. Not place a sign or device advertising the activity on any Council owned or controlled area or road without approval;
 - v. Must provide own power supply;
 - w. Mobile vehicle to be removed at the end of trading each day;
 - x. The approval is not valid for events on at the approved location unless specifically approved by the event organiser;
 - y. Comply with any conditions imposed by the Department of Transport and Main Roads; and
 - z. The approval may be revoked at any time.

Resolution

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

CARRIED

6.2 OPERATIONS

6.3 PLANNING AND DEVELOPMENT

6.3.1 Development Application Material Change of Use for Vehicle Servicing and Mechanical Workshop (Vehicle Repair Station) at 11 Ross Street, Ayr (Lot 55 on RP709781)

Executive Summary

Burdekin Shire Council acting as the Assessment Manager has received a properly made Development Application from G & K Wassmuth seeking a Development Permit for Material Change of Use for Vehicle Servicing and Mechanical Workshop (Vehicle Repair Station) at 11 Ross Street, Ayr (Lot 55 on RP709781).

The proposal is for a defined use (Vehicle Repair Station) 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 for Vehicle Servicing and Mechanical Workshop (Vehicle Repair Station) at 11 Ross Street, Ayr (Lot 55 on RP709781), subject to the following conditions:

General

- 1.1 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the applications supporting material including all drawings/documents, except where modified by the conditions of this Development Permit and any approval issued there under.
- 1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail.
- 1.3 The proposed development must comply with all Planning Scheme requirements as applying at the date of this approval, except as otherwise specified by any condition.
- 1.4 Prior to commencement of the use a Site Based Management Plan (SBMP) shall be developed, implemented and complied with, which deals with controls on:
 - External lighting;
 - Noise emissions;
 - Dust emissions; and
 - Odour emissions.

The SBMP will need to be submitted and approved by the Chief Executive Officer prior to commencement of any lawful use is to be carried out on the subject land.

- 1.5 All activities including deliveries associated with the use may operate only between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.30pm Saturday. There must be no operation on Sundays or Public Holidays.
- 1.6 The maximum number of employees allowed onsite during these hours of operation is five (5).

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- 1.7 The use of the development must not cause an unreasonable nuisance to the surrounding area.
- 1.8 The operator of the Mechanical Workshop must keep a Complaints Register on the land at all times, for the inspection of an authorised office of the Council identifying:
- The time, date and detail of any complaint made to the operator relating to the use of the workshop; and
 - Any action or response taken by the operator to rectify or reasonably deal with the complaint.
- 1.9 Proposed landscaping is to be in accordance with the supporting material and completed prior to commencement of use.

Approved Plans

- 2.(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.

Drawing Title	Drawing/Revision	Date
Proposed Site Development and Floor Plan	TFBD-20037 A02 P3	22.10.2020

- (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.

Compliance with Conditions

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

Outstanding Charges

4. 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

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

Public Utility Services/Damage

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

Building Work

- 7.1 A development permit for Building Works is to be obtained before any building works are carried out on the premise. (including demolition)
- 7.2 All structures are to be built in accordance with Council's "Erection of Structures Over or Adjacent to Sewers or Water Mains Policy".
- 7.3 Provide evidence that the proposed Workshop Building has had a classification approval granted under the provisions contained in the *Building Act 1975* and subordinate legislation prior to the commencement of the intended use.

Access and Parking

- 8.1 The construction of any new crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.
- 8.2 Parking space and layout must be designed in accordance with the provisions contained in the supporting material included in the plans submitted with the application by 'Tony Ferraris Consulting Building Design'.
- 8.3 Access to the premises, car parking and manoeuvring areas must be constructed in an all-weather low glare paving, exposed aggregate concrete or suitable dust suppressant material to the satisfaction of the Chief Executive Officer.
- 8.4 The existing crossover access onto Ross Street must be removed and the kerb and channel is to be reinstated to the approval of the Chief Executive Officer.
- 8.5 Provide line marked parking spaces adjacent to the property on Ross Street, in accordance with AS 2890.5

Drainage/Stormwater

- 9.1 A grated trench drain is to be installed at the property boundary to catch stormwater before crossing the footpath. The stormwater is to be conveyed to the kerb, under the footpath, in a suitable sized conduit as approved by Council.
- 9.2 Stormwater drainage from any new paved/sealed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.
- 9.3 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

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

Operational Works

10. Where operational works are required to be carried out for the development, the developer must, within a period of two years from the date of this permit and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit: -
- (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the *Professional Engineer's Act 2002* and is current Registered Professional Engineer of Queensland; and
 - (b) certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;

Amenity - Lighting

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

Environment and Health

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

When requested by Council, an assessment, including monitoring and/or sampling must be undertaken by a suitably qualified person(s) to investigate any complaint of environmental nuisance and/or environmental harm (which in the opinion of an

authorised person is not frivolous, vexatious nor based on mistaken belief). Upon completion of the assessment, the results must be submitted to Council within 10 business days. This must be undertaken in accordance with any direction given by Council at the time.

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

- 12.6 No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental nuisance and/or environmental harm above that expressly provided by this development approval/ environmental authority.
- 12.7 The washing down of the workshop, the cleaning of waste containers or the washing of any other items that generate contaminated water, is not permitted unless the contaminated water is directed to an approved wastewater treatment system prior to release.
- 12.8 Regulated wastes are to be removed for disposal by a licenced waste transporter.
- 12.9 Where a complaint is made about noise from the activity, that is considered reasonable by an authorised officer and cannot be resolved by the operator of the activity subject of this approval, the emission of noise from the development must not result in levels greater than those specified in Table 1 until circumstances which gave rise to the complaint are resolved.

Table 1: Noise Limits (dBA)

NOISE LIMITS MEASURED AT THE FACADE OF THE NEAREST NOISE SENSITIVE PLACE		
Period	Measured as LAeq,	Measured as maxLpA
7.00am – 6.00pm	55	60
6.00pm – 10.00pm	50	55
10.00pm – 7.00am	45	50

- 12.10 Spray painting is not permitted to be conducted at the site other than for minor touch-ups.
- 12.11 Abrasive blasting is to be conducted within a fully enclosed chamber, vented to the atmosphere through an effective dust extraction system and designed to enable frequent or continuous recovery of spent abrasives.

ADVICE (Note: These are not conditions).

- *There must be no release that has been in contact with any contaminants at the site to any waters, watercourse, roadside gutter or stormwater drain.*
- *General waste and recycling services must comply with Council's Waste Management Policy.*

Resolution

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

CARRIED

6.4 TECHNICAL SERVICES

10.30am Mr. Pearce left the meeting.

7 NOTICE OF MOTION

8 RECEIPT OF PETITIONS

9 CORRESPONDENCE FOR INFORMATION

9.1 2021-2024 Works for Queensland Program - Honourable Steven Miles MP - Deputy Premier Minister for State Development Infrastructure Local Government and Planning

Resolution

Moved Councillor Musumeci, seconded Councillor Boccalatte that Council endorse the submission of nominated projects from the Burdekin Shire Council for funds made available under the 2021-2024 Work for Queensland (W4Q) Program to the Department of State Development, Infrastructure, Local Government and Planning for assessment.

CARRIED

10 GENERAL BUSINESS

10.1 Google Map Update - Plantation Park, Ayr

Councillor Bonanno advised that a number of Burdekin Landmarks including the completed Plantation Nature Play and Burdekin Visitor Information Centre in Plantation Park, Ayr were not on Google Maps. Council Officers will follow up with Google Maps.

10.2 Message of Condolence - Duke of Edinburgh, Prince Philip

Moved Councillor Boccalatte, seconded Councillor Furnell that a message of condolence be sent to Her Majesty the Queen on behalf of the Burdekin Shire Community, Councillors and Burdekin Shire Council staff in the passing of His Royal Highness the Duke of Edinburgh, Prince Phillip.

CARRIED

11 CLOSED BUSINESS ITEMS

12 DELEGATIONS

There being no further business the meeting closed at 10.50am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 27 April 2021.

MAYOR