



**Burdekin Shire Council**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 27 April 2021**

**COMMENCING AT 9:00AM**



# Burdekin Shire Council

TUESDAY 27 APRIL 2021

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# Burdekin Shire Council

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## **ATTENDANCE**

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

Mr. T. Brennan - Chief Executive Officer  
Mr. N. O'Connor – Director Corporate and Community Services  
Mr. W. Saldumbide – Acting Director of Infrastructure, Planning and Environmental Services  
Mrs. K. Olsen - Manager Financial and Administrative Services (Part)  
Mrs. E. Devescovi – Manager Client Services (Part)  
Mr. D. Mulcahy – Manager Environmental and Health Services (Part)  
Mr. S. Great - Manager Planning and Development (Part)  
Mr. K. Byers - Manager Technical Services (Part)

Minutes Clerk – Ms. G. Biffanti

Apologies: Councillor Furnell – Approved Leave of Absence  
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services

## **1 PRAYER**

The meeting prayer was delivered by Pastor Ray Hobbs of the Seventh Day Adventist Church.

## **2 DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

Councillor Boccalatte advised she had a Declarable Conflict of Interest in relation to Item 6.3.1 Endorsement of the Burdekin Shire Council Our Coast - Our Lifestyle (Coastal Hazard Adaptation Strategy) Strategic Plan as her parents own a permit to occupy property located at Wunjunga. Councillor Boccalatte advised she would ask other Councillors to determine whether she could remain in the meeting for discussion and voting when the item came up for discussion in the meeting.

Councillor Perry advised she had a Declarable Conflict of Interest in relation to Item 6.3.1 Endorsement of the Burdekin Shire Council Our Coast - Our Lifestyle (Coastal Hazard Adaptation Strategy) Strategic Plan as her family own properties located at Alva Beach and Groper Creek. Councillor Perry advised she would ask other Councillors to determine whether she could remain in the meeting for discussion and voting when the item came up for discussion in the meeting.

Councillor Detenon advised he had a Declarable Conflict of Interest in relation to Item 6.3.1 Endorsement of the Burdekin Shire Council Our Coast - Our Lifestyle (Coastal Hazard Adaptation Strategy) Strategic Plan as his parent's own a property located at Groper Creek. Councillor Detenon advised he would ask other Councillors to determine whether she could remain in the meeting for discussion and voting when the item came up for discussion in the meeting.

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## **2.1 Approved Leave of Absence - Councillor Furnell - 27 to 30 April 2021**

### **Resolution**

Moved Councillor Bonanno, seconded Councillor Detenon that Councillor Furnell be granted approved leave of absence from 27 to 30 April 2021.

CARRIED

## **3 MINUTES AND BUSINESS ARISING**

### **3.1 Ordinary Council Meeting Minutes - 13 April 2021**

#### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 13 April 2021 be received as a true and correct record.

#### **Resolution**

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

CARRIED

### **3.2 Local Disaster Management Group Meeting Minutes - 19 March 2021**

#### **Recommendation**

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

#### **Resolution**

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

CARRIED

*9.11am Mrs. Olsen entered the meeting.*

### **3.3 Economic Development Advisory Group Meeting Minutes - 25 March 2021**

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

##### Item 1 Burdekin Marketing Campaign

Council investigates if there is State or Federal Government funding available to develop and implement a marketing campaign to promote the Burdekin as a place to live and work.

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## **Recommendation**

That:

1. the minutes of the Economic Development Advisory Group Meeting held on 25 March 2021 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Item 1 above be adopted.

## **Resolution**

Moved Councillor Perry, seconded Councillor Musumeci that the recommendation be adopted noting the removal of James Lewty and Matthew Oar from the Attendees as they were included in the Apologies.

CARRIED

## **4 EXECUTIVE**

### **4.1 CEO**

### **4.2 ECONOMIC DEVELOPMENT**

## **5 CORPORATE AND COMMUNITY SERVICES**

### **5.1 CLIENT SERVICES**

#### **5.1.1 Burdekin and Haughton Catchment Resilience Strategy**

#### **Executive Summary**

This recommendation forms part of the Burdekin and Haughton Catchment Resilience Strategy which is a body of work coordinated by the Queensland Reconstruction Authority (QRA).

As part of the support and assistance measures provided by the Queensland Government in response to the Monsoon Trough event, specific opportunities to build resilience within affected communities were identified, including the delivery of the Burdekin and Haughton Flood Resilience Strategy.

## **Recommendation**

That Council:

- endorse the Draft Burdekin and Haughton Flood Resilience Strategy (the Strategy), subject to any Council-specific briefings and minor amendments as may be required;
- note the ongoing work to finalise the supporting Action Plan, which is intended for ownership by each participating Council and will not be released publicly;
- note the completed Process One element of the Queensland Emergency Risk Management Framework for relevant Councils as per the endorsed Terms of Reference;

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- note the Draft Local Knowledge Maps drawn from the Local Knowledge Capture Process for selected areas within the catchment;
  - note the two (2) project videos which support the Strategy document; and
  - note the intention to establish a Burdekin Basin Working Group to support collaborative implementation of the Strategy, in perpetuity.

### **Resolution**

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

CARRIED

*9.33am Mrs. Devescovi left the meeting.*

## **5.2 COMMUNITY DEVELOPMENT**

### **5.3 FINANCIAL AND ADMINISTRATIVE SERVICES**

#### **5.3.1 Monthly Financial Report for Period Ending 31 March 2021**

### **Recommendation**

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

### **Resolution**

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

CARRIED

*9.44am Mrs. Olsen left the meeting.*

## **5.4 GOVERNANCE**

### **5.4.1 Conflict of Interest for Workers Policy**

#### **Executive Summary**

Council's reputation and the trust that the community places in Council relies on transparency, accountability, and good governance practices. The community has a fair expectation that Council workers will perform their duties in an impartial way, putting the public interest first at all times. From time to time there may be occasions where a Council worker's public duties may give rise to a conflict with the Worker's private interests.

To ensure the highest of ethical standards are upheld a Conflict of Interest Policy (COIs) has been developed for Council Workers to follow a recognised process for the proper identification, disclosure

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and management of COIs. The newly developed policy does not apply to elected members whose responsibilities regarding the management of all interests are defined and governed by the *Local Government Act 2009*.

The policy aims to strengthen Council's approach to fraud and corruption control by ensuring that the actions and decisions of Council Workers are free from bias while also improving accountability and transparency.

### **Recommendation**

That Council adopts the Conflict of Interest for Workers Policy as attached to this report.

### **Resolution**

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

CARRIED

*9.47am Mr. Mulcahy entered the meeting.*

## **5.4.2 Trustee Lease - Whole of Lot 236 on Crown Plan GS910 - Burdekin Sub Branch of Vietnam Veterans' Association of Australia Incorporated**

### **Executive Summary**

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

Trustee:	Burdekin Shire Council
Lessee:	Burdekin Sub Branch of Vietnam Veterans' Association of Australia Incorporated
Interest:	Reserve for Recreation
Leased Area:	Whole of Lot 236 on Crown Plan GS910
Term:	Ten (10) years
Expiry:	10 April 2031 (nil Option)
Rent:	\$0.10 per annum if demanded

### **Recommendation**

That Council agree to enter into a new Trustee Lease with Burdekin Sub Branch of Vietnam Veterans' Association of Australia Incorporated for a further ten (10) year term.

### **Resolution**

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

CARRIED



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

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

*10.00am Mr. Great entered the meeting.*

#### **6.1.1 Adoption of Vending Policies**

##### **Executive Summary**

Council receives from time to time applications under its local laws to undertake mobile and/or roadside vending activities on Council Roads and/or Council Owned or Controlled Land.

The preparation and adoption of relevant policies will assist in providing clarity to potential applicants and providing guidance to Council Officers in the assessment and determination of applications.

##### **Recommendation**

1. That Council adopts the attached Vending on Council Roads Policy.
2. That Council adopts the attached Vending on Council Owned or Controlled Land Policy.

##### **Resolution**

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

CARRIED

#### **6.1.2 Proposed Fruit and Vegetable Stall - Plantation Park, Ayr**

##### **Executive Summary**

An application has been made by Mango Man Brothers to operate a fruit and vegetable stall at Plantation Park, Ayr and a recommendation on the application is provided.

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 application from Mango Man Brothers to operate a fruit and vegetable stall on the right side of the shelter which is adjacent to the sign as you enter Plantation Park, Ayr from the Bruce Highway subject to the following conditions:

- 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.

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- 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.
  - 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.
  - z. The approval may be revoked at any time.

## **Resolution**

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

CARRIED

*10.13am Mr. Mulcahy left the meeting.*

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## **6.2 OPERATIONS**

### **6.2.1 Quotations Received for the Tenders TBSC/20/023 Duplicate Trunk Main Construction and QBSC/20/024 Duplicate Trunk Main Underbore**

#### **Executive Summary**

Following the identification of Per- and polyfluoroalkyl substances (PFAS) in production bores within the Nelson's Lagoon borefield Council were successful in securing a \$10 million Special Purpose Grant from the Department of Local Government, Racing and Multicultural Affairs to ensure the ongoing reliability and safety of the drinking water supply for the residents of Ayr and surrounds. The funding received provides Council with the opportunity to design and construct new water supply infrastructure including a 10 ML water reservoir, a duplicate trunk main and the commissioning of new production bores to offset loss of production capacity following the decommissioning of four (4) Nelson's Lagoon production bores.

Since receiving the grant funding Council have been scoping and designing individual elements of the agreed upgrades prior to calling tenders for their construction.

This report analyses the results of tenders received for the construction of the following packages and recommends the awarding of same:

- TBSC/20/023 Duplicate Trunk Main Construction; and
- TBSC/20/024 Duplicate Trunk Main Underbore.

#### **Recommendation**

1. That Council accepts the fixed price tender of \$ 796,245.00 from Roebuck Civil this being the most advantageous tender received for TBSC/20/023 Duplicate Trunk Main Construction.
2. That Council accepts the fixed price tender of \$ 609,785.00 from DJ MacCormick this being the most advantageous tender received for TBSC/20/024 Duplicate Trunk Main Underbore.

#### **Resolution**

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

CARRIED

## **6.3 PLANNING AND DEVELOPMENT**

### **6.3.1 Endorsement of the Burdekin Shire Council Our Coast - Our Lifestyle (Coastal Hazard Adaptation Strategy) Strategic Plan**

#### **Councillor Boccalatte – Declarable Conflict of Interest**

Councillor Boccalatte confirmed her earlier advice that she had a Declarable Conflict of Interest in this matter as her parents own a permit to occupy property located at Wunjunga. Councillor Boccalatte advised she could prioritise the public interest over her private interest in making a decision on the matter. In accordance with Section 150ES of the *Local Government Act 2009* Councillor Boccalatte sought a determination from other Councillors not conflicted in the matter, as to whether she could remain in the meeting for discussion and voting on this item.

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Moved Councillor Bonanno, seconded Councillor Musumeci that Council is satisfied that Councillor Boccalatte can effectively manage her Declarable Conflict of Interest on this matter and as such she may remain in the meeting for discussion and voting on the item.

CARRIED

#### **Councillor Perry – Declarable Conflict of Interest**

Councillor Perry confirmed her earlier advice that she had a Declarable Conflict of Interest in this matter as her family own properties located at Alva Beach and Groper Creek. Councillor Perry advised she could prioritise the public interest over her private interest in making a decision on the matter. In accordance with Section 150ES of the *Local Government Act 2009* Councillor Perry sought a determination from other Councillors not conflicted in the matter, as to whether she could remain in the meeting for discussion and voting on this item.

Moved Councillor Bonanno, seconded Councillor Musumeci that Council is satisfied that Councillor Perry can effectively manage her Declarable Conflict of Interest on this matter and as such she may remain in the meeting for discussion and voting on the item.

CARRIED

#### **Councillor Detenon – Declarable Conflict of Interest**

Councillor Detenon confirmed his earlier advice that he had a Declarable Conflict of Interest in this matter as his family own property located at Groper Creek. Councillor Detenon advised he could prioritise the public interest over his private interest in making a decision on the matter. In accordance with Section 150ES of the *Local Government Act 2009* Councillor Detenon sought a determination from other Councillors not conflicted in the matter, as to whether he could remain in the meeting for discussion and voting on this item.

Moved Councillor Musumeci, seconded Councillor Bonanno that Council is satisfied that Councillor Detenon can effectively manage his Declarable Conflict of Interest on this matter and as such he may remain in the meeting for discussion and voting on the item.

CARRIED

#### **Executive Summary**

The Burdekin Shire's "Our Coast-Our Lifestyle" strategy has been developed over eight (8) phases with the support of the Queensland Government's QCoast 2100 program and the Local Government Association of Queensland (LGAQ).

The Strategic Plan, part of the final Phase eight (8) of the Coastal Hazard Adaptation Strategy (CHAS), is now complete. To finalise the CHAS, Council endorsement is now being sought.

#### **Recommendation**

That Council endorse the finalisation of the Burdekin Shire Council's Coastal Hazard Adaptation Strategy (CHAS) and the 'Our Coast – Our Lifestyle' Strategic Plan.

#### **Resolution**

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

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## **Amendment**

Moved Councillor Boccalatte, seconded Councillor Detenon that Council endorse the finalisation of the Burdekin Shire Council's Coastal Hazard Adaptation Strategy (CHAS) and note the action summary included as part of the 'Our Coast – Our Lifestyle' Strategic Plan.

FOR: Councillors McLaughlin, Bonanno, Boccalatte, Detenon and Musumeci

AGAINST: Councillor Perry

5/1

CARRIED

**The Amendment then became the substantive motion. The motion was put to vote.**

FOR: Councillors McLaughlin, Perry, Boccalatte, Detenon and Musumeci

AGAINST: Councillor Bonanno

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CARRIED

*10.53am Mr. Great left the meeting.*

*10.55am Meeting adjourned for morning tea.*

*11.22am Meeting resumed.*

*11.23am Mr. Byers entered the meeting.*

## **6.4 TECHNICAL SERVICES**

### **6.4.1 Vehicle Policy Review**

#### **Executive Summary**

Amendments to the Vehicle Policy are recommended to ensure the policy objectives and principles are achieved. Price rises resulting from the current pandemic require an amendment to the levels of the price thresholds for the various levels of salary sacrifice. This is required to maintain the current level of employee benefit while maintaining the current level of vehicles available to all Council staff.

The changes result in a minor increase in Council's Operational and Capital expenses, however the increase is much less than the potential increase in costs if Council Officers withdraw from the salary

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sacrifice arrangement and Council is required to purchase additional pool vehicles for which the total cost is borne by Council.

**Recommendation**

That Council adopts the amended Vehicle Policy.

**Resolution**

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

CARRIED

*11.25am Mr. Byers left the meeting.*

**7 NOTICE OF MOTION**

**8 RECEIPT OF PETITIONS**

**9 CORRESPONDENCE FOR INFORMATION**

**10 GENERAL BUSINESS**

**11 CLOSED BUSINESS ITEMS**

**12 DELEGATIONS**

There being no further business the meeting closed at 11.43am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 11 May 2021.**

**MAYOR**

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