



# Burdekin Shire Council

## AGENDA

### ORDINARY COUNCIL MEETING

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

**on 25 May 2021**

**COMMENCING AT 9:00AM**

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# Burdekin Shire Council

TUESDAY 25 MAY 2021

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# Burdekin Shire Council

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## **1 PRAYER**

## **2 DECLARATIONS OF INTEREST**

## **3 MINUTES AND BUSINESS ARISING**

### **3.1 Ordinary Council Meeting Minutes - 11 May 2021**

#### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 11 May 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 11 May 2021**

**COMMENCING AT 9:00AM**



# Burdekin Shire Council

TUESDAY 11 MAY 2021

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Ordinary Council Meeting 11 May 2021



# Burdekin Shire Council

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## **ATTENDANCE**

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

Mr. T. Brennan – Chief Executive Officer

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

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

Minutes Clerk – Miss. M. Price-Wilson

## **1 PRAYER**

The meeting prayer was delivered by Father Daniel Mawuko Djodjowu of the Catholic Church.

## **2 DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

No declarations of interest were identified.

## **3 MINUTES AND BUSINESS ARISING**

### **3.1 Ordinary Council Meeting Minutes - 27 April 2021**

#### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 27 April 2021 be received as a true and correct record.

#### **Resolution**

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

CARRIED

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## **4 EXECUTIVE**

### **4.1 CEO**

#### **4.1.1 Council Workshops - April 2021**

##### **Executive Summary**

The Council conducted two (2) Workshops during the past month on 6 and 20 April 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 6 and 20 April 2021 be received and noted.

##### **Resolution**

Moved Councillor Detenon, seconded Councillor Perry 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**

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## **5.4 GOVERNANCE**

### **5.4.1 Freehold Lease - Whole of Lot 3 on Survey Plan 323829 - Burdekin Shire Council and the State of Queensland**

#### **Executive Summary**

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

Lessor:	The State of Queensland (Represented by Public Safety Business Agency)
Lessee:	Burdekin Shire Council
Interest:	Fee Simple
Leased Area:	Whole of Lot 3 on Survey Plan 323829 (1,930m <sup>2</sup> )
Term:	5 years plus 1 x 5 year Option
Rent:	\$0.10 per annum if demanded

#### **Recommendation**

That Council agree to enter into a new Lease with the State of Queensland over Lot 3 on Survey Plan 323829.

#### **Resolution**

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

CARRIED

### **5.4.2 Trustee Lease - Whole of Lot 21 on Crown Plan H616106 - Rotary Club of Home Hill Incorporated**

#### **Executive Summary**

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

Trustee:	Burdekin Shire Council
Lessee:	Rotary Club of Home Hill Incorporated
Interest:	Reserve for Recreation
Leased Area:	Whole of Lot 21 on Crown Plan H616106 (1,210m <sup>2</sup> )
Term:	10 years
Expiry:	4 January 2031 (nil Option)
Rent:	\$0.10 per annum if demanded

#### **Recommendation**

That Council agree to enter into a new Trustee Lease with the Rotary Club of Home Hill Incorporated for a further 10 year term.

#### **Resolution**

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

CARRIED



### 5.4.3 Q3 Report - Operational Plan 2020/2021

\*\*An updated Q3 Report – Operational Plan 2020/2021 was presented to Council at the meeting and therefore is required in accordance with section 254F of the *Local Government Regulation 2012* to be recorded in the minutes.

**Subject Heading:** Q3 Report - Operational Plan 2020/2021

**File Reference** 418

**Report Author** Mrs. Rebecca Stockdale - Senior Governance Officer

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

**Meeting Date** 11 May 2021

**Link to Corporate/Operational Plan**

Burdekin Shire Council Corporate Plan 2017-2022

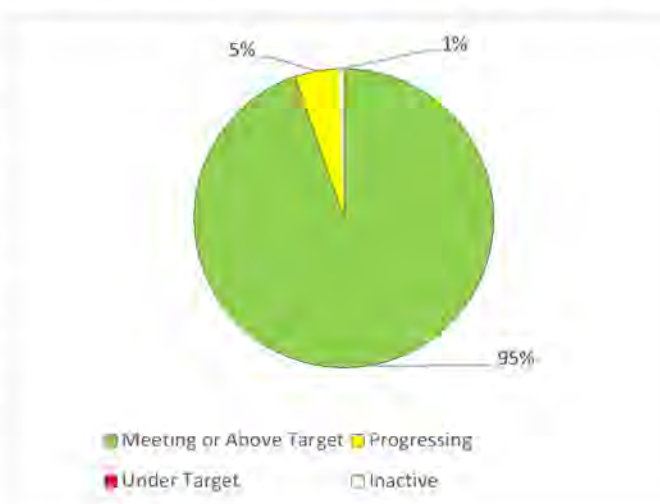
#### 5.3.3 Adhere to the governance framework and public reporting systems

### Executive Summary

The Q3 Report for the Operational Plan 2020/2021 provides a fair representation of Council's performance and activities during the period 1 January to 31 March 2021 inclusive. Council's adopted Operational Plan 2020/2021 sets out the agreed activities for each section and department across Council and includes targets and measurement statements for each activity. Management have prepared comments to reflect the progress towards achieving the activities over the first 3 quarters of this financial year.

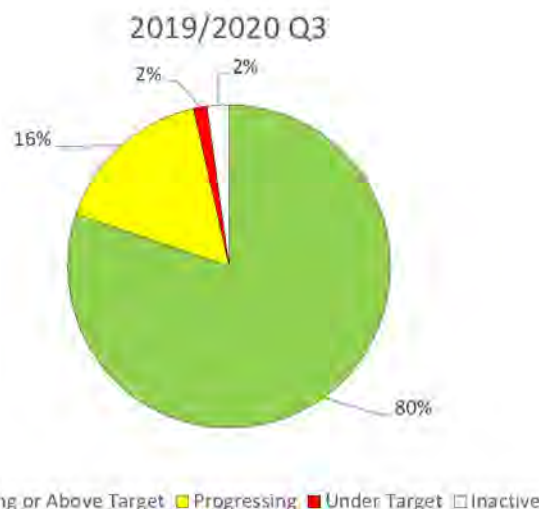
A traffic light system has been applied to provide an "at a glance" indication of how each project or activity is tracking. With a total of 214 agreed activities, Council's performance this quarter is very encouraging - there are 201 activities meeting or above target, 10 activities classed as progressing and 3 activities marked as inactive. No activities are considered to be under target at this time.

Status	Activities (#)	Activities (%)
Meeting or Above Target	201	94%
Progressing	10	5%
Under Target	0	0%
Inactive	3	1%
<b>TOTAL</b>	<b>214</b>	<b>100%</b>



At the same time last financial year (2019/2020);

Status	Activities (#)	Activities (%)
Meeting or Above Target	183	80%
Progressing	37	16%
Under Target	3	2%
Inactive	5	2%
<b>TOTAL</b>	<b>228</b>	<b>100%</b>



### Recommendation

That Council adopts the Q3 report for the Operational Plan as attached to this report.

### Background

Council is required to prepare and adopt an annual operational plan. The CEO must provide quarterly written assessments of the local government's progress towards implementing the annual operational plan. A report on the operational plan activities carried out during the third quarter of the 2020/2021 financial year has been prepared for Council.

### Consultation

Council discussed this report at a workshop on 4 May 2021. Managers and Supervisors were consulted in the preparation of this report.

### Budget & Resource Implications

Activities within the Operational Plan must be discharged in accordance with Council's adopted budget.

### Legal Authority & Implications

*Section 174 Local Government Regulation 2012*

### 174 Preparation and adoption of annual operational plan

- (1) A local government must prepare and adopt an annual operational plan for each financial year.
- (2) The local government may, but need not, adopt the annual operation plan for a financial year at the same time the local government adopts its budget for the financial year.
- (3) The chief executive officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.
- (4) A local government may, by resolution, amend its annual operational plan at any time before the end of the financial year.
- (5) A local government must discharge its responsibilities in a way that is consistent with its annual operational plan.



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## **Policy Implications**

Not Applicable.

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

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

## **Resolution**

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

CARRIED

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

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

### **6.2 OPERATIONS**

### **6.3 PLANNING AND DEVELOPMENT**

### **6.4 TECHNICAL SERVICES**

## **7 NOTICE OF MOTION**

### **7.1 Councillor McLaughlin's Attendance at the Queensland Disaster Management Conference - 9 to 11 June 2021 - Brisbane**

#### **Background Information**

Council received a letter from the Inspector-General Emergency Management inviting Councillor Lyn McLaughlin and Council's Disaster Management staff to the Queensland Disaster Management Conference in Brisbane from 9 to 11 June 2021. The Conference theme for this year is "Managing Disasters in a Changing World".

The Conference is being presented by the Office of the Inspector-General Emergency Management in partnership with the Local Government Association of Queensland, Queensland Fire and Emergency Services, Queensland Police Service and Queensland Reconstruction Authority.

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Council's Disaster Management Coordinator Eileen Devescovi will be attending the Conference.

**Recommendation**

That Council endorse Councillor McLaughlin's attendance at the Queensland Disaster Management Conference in Brisbane from 9 to 11 June 2021, with all expenses of attendance at the conference be met by Council.

**Resolution**

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

CARRIED

**8 RECEIPT OF PETITIONS**

**9 CORRESPONDENCE FOR INFORMATION**

**10 GENERAL BUSINESS**

**10.1 Approved Leave of Absence - Councillor Bonanno - 20 to 26 May 2021**

**Resolution**

Moved Councillor Perry, seconded Councillor Furnell that Councillor Bonanno be granted a leave of absence from 20 to 26 May 2021.

CARRIED

**10.2 Approved Leave of Absence - Councillor Musumeci - 12 to 15 May 2021**

**Resolution**

Moved Councillor Detenon, seconded Councillor Boccalatte that Councillor Musumeci be granted a leave of absence from 12 to 15 May 2021.

CARRIED

**11 CLOSED BUSINESS ITEMS**

**12 DELEGATIONS**

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There being no further business the meeting closed at 9.48am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 25 May 2021.**

**MAYOR**

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### 3.2 Burdekin Shire Youth Council Meeting Minutes - 19 April 2021

<b>File Reference</b>	137
<b>Report Author</b>	Mrs. Tammy Quagliata – Community Development Support Officer
<b>Authoriser</b>	Mr. David Cornwell – Community Services Manager
<b>Meeting Date</b>	25 May 2021

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#### **Purpose**

This report provides the Minutes of the Burdekin Shire Youth Council Meeting held on 19 April 2021.

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

##### Item 3 – Sponsorship of the 2021 Burdekin Festival of Arts

That Council notes the Burdekin Shire Youth Council's sponsorship of the 2021 Burdekin Festival of Arts for the amount of \$50.00.

##### Item 4 – Youth Council Charter 2021-2025

That Council acknowledges the acceptance of the Draft Burdekin Shire Youth Council Charter 2021-2025 by the Burdekin Shire Youth Council and that the Charter be adopted by Council.

##### Item 5 – Youth Council Public Speaking Workshops

That Council notes the participation of the Youth Council Members in a public speaking workshop to be held on Monday 10 and 17 May 2021.

#### **Recommendation**

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 19 April 2021 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Items 3 to 5 be adopted.

#### **Attachments**

1. Minutes – Burdekin Shire Youth Council Meeting – 19 April 2021

## Meeting Minutes

<b>Meeting</b>	Burdekin Shire Youth Council Meeting		
<b>Date</b>	Monday, 19 April 2021	<b>Time</b>	3:30 PM
<b>Attendees</b>	Xavier Wood – Youth Mayor Layla Kelly – Secretary Eddie Jones – Ayr State High School Georgia Tomasetig – Ayr State High School Joshua Machin – Home Hill State High School Lane Delle Baite – Burdekin Catholic High School Mikayla McDonnell – Ayr State High School Michael Lindley – Ayr State High School Vaylee Grabs – Ayr State High School Xavier Wood – Youth Mayor  Cr. Lyn McLaughlin – Mayor, Burdekin Shire Council Tammy Quagliata – Burdekin Shire Council		
<b>Apologies</b>	Gracie Hosie – Deputy Youth Mayor Emily Holmes – Burdekin Christian College Chelsea O'Shea – Ayr State High School		
<b>Chairperson</b>	Xavier Wood – Youth Mayor		
<b>Minutes Clerk</b>	Layla Kelly & Tammy Quagliata		
<b>Location</b>	John Drysdale Chamber		

## Agenda Items

### 1. Minutes of 22 March 2021 Meeting Received

Moved Eddie Jones, seconded Georgia Tomasetig that the minutes of the Burdekin Shire Youth Council Meeting held on 22 March, 2021 be received.

CARRIED

### 2. Correspondence

#### Inward Correspondence

1. Daniel Morcombe Foundation – Advising that Day for Daniel will be held on Friday 29 October. They are seeking our involvement in Australia's largest child safety education and awareness.
2. Burdekin Festival of Arts – Seeking sponsorship from Burdekin Shire Youth Council for the 2021 Burdekin Festival of Arts.

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Outward Correspondence

NIL

Moved Mikayla McDonnell, seconded Michael Lindley that the inward and outward correspondence be received and outward adopted.

CARRIED

**3. Sponsorship of 2021 Burdekin Festival of Arts**

Members discussed correspondence from Burdekin Festival of Arts seeking sponsorship for the 2021 Burdekin Festival of Arts to be held in August. It was noted the Youth Council has sponsored the event in the past for the amount of \$50.00 which is for an individual solo item e.g., art/music.

Moved Joshua Machin, seconded Michael Lindley that the Burdekin Shire Youth Council will sponsor the 2021 Burdekin Festival of Arts to the value of \$50.00.

CARRIED

**4. Youth Council Charter**

Tammy Quagliata tabled the updated draft Burdekin Shire Youth Council Charter. Mrs. Quagliata explained that the Burdekin Shire Youth Council Charter is a formal term of reference for both Council and Youth Council to adhere too. She noted minor changes to the document mainly condensing the age bracket of members that can attend to 12-20 years of age.

The question was raised if there were any issues or improvements to the document that any members would like to state however there were none. All members agreed that the Burdekin Shire Youth Council Charter was a correct representation of what Youth Council's is about.

Moved Georgia Tomasetig, seconded Mikayla McDonnell that the Burdekin Shire Youth Council Charter be accepted by Youth Council and submitted to Council for adoption.

CARRIED

**5. Youth Council Public Speaking Workshops**

Tammy Quagliata advised that she has contacted all local schools regarding possible public speaking competitions/workshops to be held, noting that Rostrum would not be going ahead in 2021. It was advised that Rostrum was currently looking for a coordinator. It was noted that Ayr State High School are conducting a competition similar to Rostrum for their students to be held during school hours; and Burdekin Catholic High School are intending on doing a school-based debating program. Home Hill State High School have done public speaking events in past years but there is no formal confirmation that there will be one this year.

Discussions were held regarding the programs being offered at school and agreed that a public speaking workshop for Youth Council members would still be very beneficial. It was noted that a lot of focus at school is on the content of the speeches, however members would like to focus on delivery of the speeches

Moved Eddie Jones, seconded Michael Lindley that Burdekin Shire Youth Council engage Joanne

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Keune from Speakeze (total cost \$500) to host a public speaking program for members, to be held on Monday 10th and 17th of May from 3:30pm to 5.00pm.

CARRIED

## **6. DV Awareness Month**

Tammy Quagliata advised of a possible Domestic Violence Information Stall to be held in Queen Street, Ayr during Domestic Violence Awareness Month in May. Members were keen to assist with handing out information bags at the stall and Mikayla McDonnell inquired about Youth Council making badges with the DV logo or colour to help promote awareness for the cause. It was also suggested that the badges could be incorporated with the information bags being handed out by the Domestic Violence stall.

Tammy Quagliata undertook to confirm details if that stall would go ahead and advise members accordingly.

NOTE: Following this meeting it was decided that Council/Youth Council would not be involved in this event.

## **7. Craft Stall at Burdekin Cultural Fair – Friday 28<sup>th</sup> May 5:30pm-9:30pm**

Members were asked to assist in providing a cultural craft stall at the upcoming Burdekin Cultural Fair to be held on Friday 28<sup>th</sup> May at Rugby Park, Ayr. Members discussed the option of doing badge making or frisbee making. It was agreed that frisbee making would be something different. The frisbee designs would be cultural and allow children to trace and colour in their own design.

Tammy undertook to email Youth Council members regarding a roster for the event.

Further information was provided about the Sweet Days Hot Nights festival to be held from 27<sup>th</sup> to 29<sup>th</sup> May including The First Fire, Burdekin Cultural Fair and the Australian Hand Cane Cutting Championships. Posters were distributed for members to place on school noticeboards.

## **8. 2021 Ideas – Projects & Events**

Tammy Quagliata invited all members of Youth Council to propose any short or long-term projects, events, and goals that members would like the Burdekin Shire Youth Council to achieve. The following projects/events were noted.

- Youth Council would like to assist PCYC and the Library in helping operate school holiday activities/program that have been held at the PCYC and Library in past years. It was also suggested that Youth Council contacts the Neighbourhood Centre and Chappy Jenny Dowie who runs a youth night on Fridays at the Burdekin Christian College Centre.
- It was also suggested that the potential skate night could have a designated area for activities and games for community members to participate in if they were not interested in skating.
- Youth etiquette training was suggested as another event for youth council members and/or community members to participate in.

## **9. Other General Business**

- Mayor Lyn McLaughlin provided information on the current survey that is being conducted with regard to the proposed Burdekin Water Park planning and fee structure. Youth Council members were encouraged to complete the survey, which Tammy will circulate via email.

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**10. Next Meeting – Monday 10<sup>th</sup> May 2021 at 3:15pm (Public Speaking Workshop)**

There being no further business, the meeting closed at 4.25pm.

**Actions Items from Meeting**

	Action Item	Responsible Officer	Due Date	Status
	Confirm public speaking workshops with Speakeze for Monday 10 <sup>th</sup> & 17 <sup>th</sup> May.	Tammy Quagliata	30 April 2021	
	Liaise with Burdekin PCYC, Council's Community Development Officers and Burdekin Basketball re the proposed Family Skate Night.	Tammy Quagliata	30 April 2021	
	Arrange sponsorship of \$50.00 towards the 2021 Burdekin Festival of Arts on behalf of the Burdekin Shire Youth Council.	Tammy Quagliata	10 May 2021	
	Coordinate Youth Council's involvement in the Burdekin Cultural Fair to host a cultural craft activity.	Tammy Quagliata All Members	20 May 2021	
	Look into possibility for Youth Council to be involved in PCYC/Library activities, Burdekin Neighbourhood Centre and Chaplains events in the future.	Tammy Quagliata	20 May 2021	

**Recommendations for Council Consideration**

	Recommendation	Minutes Item No
	That the updated Burdekin Shire Youth Council Charter (2021 to 2025) be adopted by Council	Clause 4

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### **3.3 Local Disaster Management Group Meeting Minutes - 23 April 2021**

#### **Recommendation**

That the minutes of the Local Disaster Management Group Meeting held on 23 April 2021 be received as a true and correct record.

## Local Disaster Management Group Meeting

Held on 23 April 2021 at 12.00pm  
Council Administration Building – John Drysdale Chambers

1. Attendance		
Core Members		
Councillor Sue Perry	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
Ms. Debra Cochran	Welfare – Chief Executive Officer	Burdekin Community Association
Mr. Steven Knight	Area Commander of Southern Command	Queensland Fire and Emergency Services
Mr. Andy Pethybridge	Emergency Management Coordinator	Queensland Fire and Emergency Services
Senior Sergeant Steven Barton	Officer in Charge – Ayr	Queensland Police Service
Sergeant Steve Wilson	Officer in Charge – Home Hill	Queensland Police Service
Mr. John Winn	Local Controller	State Emergency Services
2. Apologies – Core Members		
Councillor Lyn McLaughlin	Mayor – Chairperson	Burdekin Shire Council
Mr. Nick Wellwood	Director Infrastructure, Planning & Environmental Services	Burdekin Shire Council
Mr. Kevin Byers	Manager Technical Services	Burdekin Shire Council
Mr. Brett Maguire	Officer in Charge – Ayr	Queensland Ambulance Service
Advisors		
Mr. Sam Savage (Phone)	Community and Partnerships Development Officer	Australian Red Cross
Ms. Tracey Wells	Service Coordinator – Rural Health	Burdekin Community Association
Mrs. Rebecca Grogan	Housing and Community Support Services Coordinator	Burdekin Community Association
Mr. Terry Brennan	Chief Executive Officer	Burdekin Shire Council
Mr. David Cornwell	Manager Community Services	Burdekin Shire Council
Mr. Nathan Toll	Media and Communications Officer	Burdekin Shire Council
Mrs. Sharon Galeano	Senior Community Recovery Officer	Department of Communities, Housing and Digital Economy
Mr. Craig Caton	Project Manager - Haughton River Floodplain Upgrade Project	Department of Transport and Main Roads
Mr. Martin Thomas	Acting Officer in Charge – Ayr	Queensland Ambulance Service
Mr. Paul Cannon	Regional Community Engagement Officer	Queensland Fire and Emergency Services
Mr. David Hayes (Phone)	Service Manager Burdekin Fall Dam	Sunwater
Mr. Paul Begley (Phone)	Acting General Manager - North	Sunwater
Mr. John Tait	Cane Supply Manager – Inkerman	Wilmar
Mr. Lionel Tappenden	VMR Boat Officer	Volunteer Marine Rescue

## Local Disaster Management Group Meeting

Held on 23 April 2021 at 12.00pm  
Council Administration Building – John Drysdale Chambers

Apologies – Advisors		
Councillor John Furnell	Councillor	Burdekin Shire Council
Mr. Nick O'Connor	Director Corporate and Community Services	Burdekin Shire Council
Mr. Bradley Hutchinson	Safety and Productivity Coordinator	Burdekin Shire Council
Mrs. Janai Giddy	Deputy Disaster Management Officer	Burdekin Shire Council
Mrs. Hayley Colls	Disaster Management Officer	Burdekin Shire Council
Mr. Glenn Vaughn	Senior Road Works Inspector	Department of Transport and Main Roads
Mr. Shaun Byrnes	Acting XO - Townsville	District Disaster Management Group
Mr. George Christensen	Member of Parliament	Federal Member of Dawson
Ms. Hanna Armstrong	Representative	Burdekin Flexi Support Services
Ms. Jo Beadle	Queensland Manager	GIVIT
Ms. Lorraine Dempsey	Representative	Home Hill Hospital
Mr. Stuart McDonald	Business Lead	nbn Local
Ms. Helen Davey	General Manager – Ayr & Home Hill	Regis
Minutes Clerk – Ms. G. Biffanti		

**2.1 Deputy Chair Sue Perry opened the meeting and welcomed all attendees and introduced Mr. Paul Cannon from Queensland Fire Emergency Services who will be presenting information in regards to the Disability Inclusive and Disaster-resilient Queensland Campaign.**

### 3. Minutes Received

#### MINUTES OF THE BURDEKIN SHIRE COUNCIL LOCAL DISASTER MANAGEMENT GROUP MEETING HELD ON 19 MARCH 2021.

Moved, Mr. Andy Pethybridge seconded Ms. Debra Cochran that the minutes of the Burdekin Shire Council Local Disaster Management Group Meeting held on Friday, 19 March 2021 be received as a true and correct record.

CARRIED

### 4. Business Arising out of Minutes

Mr. Brett Whitbread from Department of Main Roads and Transport would like noted an item raised from the Local Disaster Management Group Meeting on 19 March 2021 regarding the consultation of the temporary closure of Shirbourne Road as part of construction works the Haughton River Floodplain Upgrade Project.

Mr. Whitbread would like to ensure that actions were taken by the Department of Main Roads and Transport to contact and liaise with the QAS, QFES and QPS involved and including the emergency services of the temporary closure of Shirbourne Road and as part of their procedure that the SES be added to their contact list.



### 5. Correspondence for Information

**1639497** – Information Share – Commonwealth Recovery Website.

### 7 Local Disaster Coordinator Update

#### 7.1 New Disaster Management Officer – Hayley Colls

Mrs. Devecovi provided information on the newly appointed Disaster Management Officer – Hayley Colls who will be embarking her new position with Burdekin Shire Council on 27 April 2021. Hayley comes with a range of experiences and will be well suited to take over the role Warren Francis vacated.

Over the coming months Hayley will be learning her duties of Disaster Management Officer and in that time will make herself known to the Local Disaster Management Group.

#### 7.2 Giru Variable Message Board Update

- The footings for the Message Board have been laid and installation of the sign is to commence on Monday 10 May 2021.
- Training will also be completed once installed.
- 12-month Service and Maintenance Agreement has been completed.
- Public Electronic Message Board – Policy has been developed.

#### 7.3 Get Ready Burdekin Update – Finalisation of Program

- All District Multimedia (TV advertisement) Disaster Management Campaign with all NQROC Mayors has been completed.
- New 4 x 30 Second films developed for Social Media - Volunteer Groups SES, VMR and Rural Fire has been completed.
- 1 x 30 second Cinema Advertisement for Recruitment of our Volunteer Services - SES, VMR and Rural Fire has been completed.
- What is your What if Plan – 7 x pre-recorded messages for Sweet FM to help remind the community to be prepared and resilient has been completed.
- Storm Tide and Tsunami Boat Ramp Signage – Signs have been developed. One sign is currently being constructed and will be installed to ensure all measurements, brackets etc. are correct. Remainder of order will be completed, and signs will be installed prior to 30 June 2021.

### 6. Agency Reports

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

1. Please refer to attached Emergency Management Report.

#### 6.2 Mr. Steven Knight – Queensland Fire and Emergency Services

1. Trialling Fire Fighting Appliance Type 2 – Medium Pumper Tanker in Ayr for last 6 months.
2. Fire Fighting Appliance Type 3 – Urban Pumper Light is now located in Ayr.
3. Two types of pumps are used:
  - More robust pump for the Type 2 Appliance with increase ground clearance for remote areas; and
  - Larger pump with larger capacity for special fire dispersions with increased water capacity.

### 6.3 Mr. John Winn – State Emergency Services

1. Please refer to attached Emergency Management Report.

### 6.4 Mrs. Sharon Galeano – Department of Communities, Housing and Digital Economy

1. Please refer to attached Report.
2. The Department has been involved in rolling out the new Queensland COVID App to the hospitality industry. The App is compulsory for businesses unless serving takeaways only. From the 1 May 2021 businesses will be issued a fine if found not compliant with the new COVID App.
3. Starting leave for three weeks.
4. Contact details or address have not change.
5. Watching the situation in Ingham area with more wet weather to come.

### 6.5 Mr. Craig Caton – Department of Transport and Main Roads

1. Work on repairs to the drainage underneath the Wilmar Train lines on Shirbourne Road has been completed.

### 6.6 Mr. Lionel Tappenden – Volunteer Marine Rescue

1. Funding received for Driveway. Work will commence as soon as ground dries out.
2. 50<sup>th</sup> Anniversary Celebrations were held in Home Hill at end of March 2021.
3. Mrs. Rita Papale received the Rotary Paul Harris Fellowship Award for all her dedication and hard work with the Volunteer Marine Rescue.

### 6.7 Mr. Wayne Salumbide – Burdekin Shire Council

1. Council are finalising some water river reporting stations projects to get them operational.
2. Looking for suitable sites for a backup antenna for Hurricane Cliff Repeater.
3. Generator at No. 1 Pump Station generator failed, with a generator hired until it can be repaired.
4. Due to the wet weather there have been delays on works projects with having no impact on any road closures.

### 6.8 Mr. Terry Brennan – Burdekin Shire Council

1. QRA Recovery and Resilience Grant Application Update and awaiting outcome:
  - Refurbishment - Ayr SES Headquarters;
  - Cyclone Shutters – Local Disaster Co-Ordination Centre;
  - Automatic Sandbagging Machines for Ayr, Home Hill and Council Depot;
  - Relocation – Giru Helipad; and
  - Stormwater Drainage Upgrade.

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

1. Townsville 2019 Monsoon Recovery Program will end in 2021.
2. Continuing to engage in the recovery throughout the region.

### 6.10 Mr. David Hayes – Sunwater

1. Minor flows from the Burdekin Falls Dam with up to 6 to 7cm over the spillway.

### 6.11 Mr. Paul Cannon – Queensland Fire Emergency Services

Mr. Cannon made a presentation on the Disability Inclusive Disaster Risk Reduction (DIDRR) Framework and Toolkit and the Person-Centred Emergency Preparedness (P-CEP) Workbook. This is used as a guide by people in the community with disability and including the elderly in emergency preparedness planning for their individual support needs. More information can be found at <https://collaborating4inclusion.org/pcep>

Burdekin Shire Council's Community Recovery Subgroup will be asked to look at this information to better prepare the elderly and disable community in emergency preparedness planning.



## Local Disaster Management Group Meeting

Held on 23 April 2021 at 12.00pm  
Council Administration Building – John Drysdale Chambers

### 8 General Business

Nil

There being no further business the meeting closed at 12.40pm.

The next meeting to be announced.

CHAIRPERSON

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### 3.4 Audit Committee Meeting Minutes - 5 May 2021

<b>File Reference</b>	388
<b>Report Author</b>	Ms. Stevie Moffat – Governance Support Officer
<b>Authoriser</b>	Mr. Nick O'Connor – Director Corporate and Community Services
<b>Meeting Date</b>	25 May 2021

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#### **Purpose**

This report provides the Minutes of the Audit Committee Meeting held on Wednesday, 5 May 2021.

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

##### Item 4 – Amended Audit Committee Schedule and Agenda Items

That the Committee endorse the amended 2021 Audit Committee Meeting Dates and Agenda Items.

##### Item 5.1 – Position Papers

That the Committee note the AASB 1059 Service Concession Arrangement: Grantors position paper.

##### Item 5.2 – Shell Financial Statements

That the Committee endorse the 2021 Shell Annual Financial Statements.

##### Item 5.3 – Ordinary Citizens Transaction Review

That the Committee note the Related Party Disclosure – Ordinary Citizens Transactions paper.

##### Item 5.4 – Financial Statement Preparation Maturity Model

That the Committee note the financial statement preparation maturity model and benchmarking results.

##### Item 6.1 – Proposed Annual Infrastructure Valuation Methodology Report

That the Committee note the Internal Valuation Report 2020-2021.

##### Item 7.1 – Review Investment Policy

That the Committee note the revised Investment Policy.

##### Item 8.1 – Review External Audit Plan

That the Committee note the 2021 External Audit Plan and progress towards achieving the Waste Levy Best Practice recommendations.

##### Item 9.1 – Internal Audit Activity Report

That the Committee note the Internal Audit Activity Report.

##### Item 10.1 – Risk Management Update

That the Committee note the Risk Management Briefing Note.

##### Item 10.2 – Fraud & Corruption Control Plan

That the Committee endorse the draft Fraud and Corruption Control Plan 2021-2023 subject to consideration of the changes.

##### Item 10.3 – Conflict of Interest for Workers Policy

That the Committee note the Conflict of Interest for Workers Policy.



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Item 10.4.1 – Internal Audit Issues

That the Committee note all management comments and endorse the proposed revised due dates of the Internal Audit Action Items.

Item 10.4.2 – External Audit Issues

That the Committee note the management update of the External Audit Waste Levy Best Practice recommendations.

**Recommendation**

That:

1. the minutes of the Audit Committee Meeting held on 5 May 2021 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Items 4 to 10.4.2 above be adopted.

**Attachments**

1. Minutes – Audit Committee Meeting – 5 May 2021



## Meeting Minutes

<b>Meeting</b>	Audit Committee Meeting		
<b>Date</b>	Wednesday, 5 May 2021	<b>Time</b>	9:00 am
<b>Attendees</b>	Mr. Ian Jessup – Independent Chairperson Mr. Jim Nuttall – Independent Community Member Cr. Michael Detenon – Member Cr. Sue Perry – Member (Part) Ms. Donna Sinanian – External Auditor and Partner - Crowe Horwath Ms. Tracey Mayhew – External Auditor and Senior Manager (Audit & Assurance) - Crowe Horwath (via Telephone) Ms. Cathy Blunt – Internal Auditor and Principal - O'Connor Marsden & Associates (via Telephone) 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 Mr. Kevin Byers – Manager Technical Services (Part) Mrs. Rebecca Stockdale – Senior Governance Officer Ms. Hope Johnstone – Financial Accountant		
<b>Apologies</b>	Mr. Jim Fahey – Independent Professional Member Cr. 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. Welcome

Mr. Jessup welcomed all attendees.

#### 2. Apologies

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

#### 3. Minutes of the Audit Committee Meeting held on 10 February 2021

Minutes of the previous Audit Committee Meeting held on 10 February 2021 were circulated to Committee Members prior to the meeting.

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

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#### **4. Amended Audit Committee Schedule and Agenda Items**

Mrs. Stockdale advised of the changes made to the Audit Committee Schedule. It was proposed to move the 18 August meeting to 11 August, and the 22 September meeting to 8 September.

The Committee endorsed the amended 2021 Audit Committee Meeting Dates and Agenda Items.

#### **5. Financial Reporting**

##### **5.1 Position Papers**

The Committee noted the AASB 1059 Service Concession Arrangement: Grantors position paper.

##### **5.2 Shell Financial Statements**

The 2021 Shell Annual Financial Statements were circulated to the Committee prior to the meeting.

Moved Mr. Jessup, seconded Mr. Nuttall that the 2021 Shell Annual Financial Statements be endorsed by the Committee. Carried.

The Committee acknowledged the hard work and effort Finance have put into finalising the Shell Financial Statements.

##### **5.3 Ordinary Citizens Transactions Review**

The Committee discussed the Related Party Disclosure – Ordinary Citizens Transactions and agreed the review be changed to coincide with the Related Party Policy review schedule.

The Committee noted the Related Party Disclosure – Ordinary Citizens Transactions paper.

##### **5.4 Financial Statement Preparation Maturity Model**

The Committee discussed the Financial statement preparation maturity model that has been developed by the QAO. Council Officers have completed the benchmarking tool to gauge Council's position against other entities.

The Committee agreed that the results from the benchmarking self-assessment tool were an accurate reflection of Council's current position.

The Committee noted the financial statement preparation maturity model and benchmarking results.

#### **6. Infrastructure Assets**

##### **6.1 Proposed Annual Infrastructure Valuation Methodology Report**

Mr. Byers provided an overview of the Internal Valuation Report 2020-2021 as at 30 April 2021. There have been notable increases in unit rates across various asset categories and components. This is due to supplier issues and constantly changing market conditions.

The Committee noted the Internal Valuation Report 2020-2021.

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## **7. Financial Assets**

### **7.1 Review Investment Policy**

Mrs. Olsen provided an overview of the policy and no changes were recommended to the new Investment Policy, other than the inclusion of the required 'risk management' section.

The Committee noted the revised Investment Policy.

## **8. External Audit**

### **8.1 Review External Audit Plan**

The Committee discussed the 2021 External Audit Plan, noting the update from management in achieving the Waste Levy Best Practice recommendations.

The Committee noted the 2021 External Audit Plan and progress towards achieving the Waste Levy Best Practice recommendations.

### **8.2 Consider need for closed session briefing with Crowe Horwath/QAO**

The Committee considered the need for a closed session briefing with Crowe Horwath and QAO.

The Committee agreed that a closed session briefing is not required.

## **9. Internal Audit**

### **9.1 Internal Audit Activity Report**

Mrs. Blunt provided an overview of the Internal Audit Activity Report as circulated to the Committee prior to the meeting. The Q3 Rates Revenue Management and Q4 Business Continuity & Disaster Recovery Planning fieldwork is still underway.

The Committee noted the Internal Audit Activity Report.

## **10. Management Updates**

### **10.1 Risk Management Update**

The Committee noted the Risk Management Briefing Note.

### **10.2 Fraud & Corruption Control Plan**

The Committee endorsed the draft Fraud and Corruption Control Plan 2021-2023 as circulated to the Committee ahead of the meeting, subject to consideration of the following changes:

- Add bribery as a risk (p. 21);
- Move the control activities under 'Identifying and Implementing Controls' section (p. 9);
- Include the 'Internal Reporting Escalation' in Audit Committee Charter, including option for a closed session (p. 13);
- Add the 'Audit Committee Charter' under 'Relationship to other plans, policies, frameworks, systems and procedures' (p. 14);
- Add the 'QAO Recommendations Report' under 'Roles and Accountabilities' (p. 15); and
- Add date additional controls are to be achieved (p. 17-19).

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Moved Mr. Jessup, seconded Cr. Detenon that the draft Fraud and Corruption Control Plan 2021-2023 be endorsed by the Committee subject to consideration of the changes. Carried.

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

Mrs. Stockdale provided an overview of the new Policy. The Policy was formally adopted by Council on 27 April 2021 and will manage Conflict of Interest's for Workers as defined in the Burdekin Shire Council Code of Conduct.

The Committee noted the Conflict of Interest for Workers Policy.

### **10.4 Follow up of Audit Issues - Internal & External**

#### **10.4.1 Internal Audit Issues**

The Committee noted all management comments and endorsed the proposed revised due dates of the Internal Audit Action Items.

#### **10.4.2 External Audit Issues**

The Committee noted the management update of the External Audit Waste Levy Best Practice recommendations.

## **11. Other Business**

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

Mr. Brennan advised that projects relating to two (2) rounds of funding under Works for Queensland are scheduled to be finalised by 30 June 2021. An extension has been granted for the UV system at Home Hill Reservoir which is scheduled to be completed by December 2021.

The Theatre Refurbishment Project is underway and scheduled to be completed in early June 2021.

The drainage upgrade at Macmillan-Parker Street and Queen Street is progressing and scheduled to be finalised on Friday, 7 May 2021.

Various road projects relating to Commonwealth funding are on track to be completed by 30 June 2021.

A contract has been awarded for the Ayr Water Supply to an external contractor.

Design plans are underway for the Treatment Plant Facility and 10mL Reservoir and these projects will be ready to go out to tender shortly.

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

**The next meeting will be held on Wednesday, 16 June 2021.**

Mr. Ian Jessup

Chairman

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**Agreed Recommendations to Council**

Minute Item	Recommendation
4	That the Committee endorse the amended 2021 Audit Committee Meeting Dates and Agenda Items.
5.1	That the Committee note the AASB 1059 Service Concession Arrangement: Grantors position paper.
5.2	That the Committee endorse the 2021 Shell Annual Financial Statements.
5.3	That the Committee note the Related Party Disclosure – Ordinary Citizens Transactions paper.
5.4	That the Committee note the financial statement preparation maturity model and benchmarking results.
6.1	That the Committee note the Internal Valuation Report 2020-2021.
7.1	That the Committee note the revised Investment Policy.
8.1	That the Committee note the 2021 External Audit Plan and progress towards achieving the Waste Levy Best Practice recommendations.
9.1	That the Committee note the Internal Audit Activity Report.
10.1	That the Committee note the Risk Management Briefing Note.
10.2	That the Committee endorse the draft Fraud and Corruption Control Plan 2021-2023 subject to consideration of the changes.
10.3	That the Committee note the Conflict of Interest for Workers Policy.
10.4.1	That the Committee note all management comments and endorse the proposed revised due dates of the Internal Audit Action Items.
10.4.2	That the Committee note the management update of the External Audit Waste Levy Best Practice recommendations.

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### 3.5 RADF Advisory Group Meeting Minutes - 6 May 2021

<b>File Reference</b>	2148
<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>	25 May 2021

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#### **Purpose**

This report provides the Minutes of the RADF Advisory Group Meeting held on 6 May 2021.

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

##### Item 4 – Recommendation

#### **Recommendation**

That funds of \$7,000.00 be provided for the project submitted by the Economic Development Section of Burdekin Shire Council to employ Chainsaw Artist, Matt G to carve a cane cutter sculpture from timber as a project would not only provide an attraction for the 2021 Sweet Days Hot Nights Festival but also provide an ongoing and lasting sculpture to be installed in the district and contribute to the Burdekin art trail.

#### **Recommendation**

That:

1. the minutes of the RADF Advisory Group Meeting held on 6 May 2021 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Item 4 above be adopted.

#### **Attachments**

1. Minutes – RADF Advisory Group Meeting – 6 May 2021

## Meeting Minutes

<b>Meeting</b>	RADF Advisory Group Meeting		
<b>Date</b>	Thursday, 6 May 2021	<b>Time</b>	4:00 PM
<b>Attendees</b>	Cr Lyn McLaughlin, Cr Sue Perry, Mr David Cornwell (Manager Community Services, Mrs Treena List, Mr John Woods Mrs Eliza Lovell (Economic Development Co-Ordinator and Ms Melissa Bevilacqua (Tourism Officer)		
<b>Apologies</b>	Cr John Bonanno, Mrs Coral Colquhoun		
<b>Chairperson</b>	Cr Sue Perry		
<b>Minutes Clerk</b>	Mrs Janice Horan (RADF Liaison Officer)		
<b>Location</b>	Ernie Ford Board Room		

### Agenda Items

#### 1. Welcome

Cr Sue Perry opened the meeting and welcomed attendees.

#### 2. Purpose of Meeting

Cr Perry explained to the meeting that the purpose of the meeting was to consider an application received from the Economic Development Section of Burdekin Shire Council. Cr Perry advised that the application needed to be considered as an "out of round" application because the Sweet Days, Hot Nights Festival, to which the application related, would be held before the consideration of applications for the next RADF round.

#### 3. Consideration of "Out of Round" Application – Economic Development Section, Burdekin Shire Council

Mrs Lovell explained to the meeting that 2021 would be the third year that the Sweet Days, Hot Nights (SDHN) Festival had been conducted. In previous years, RADF funding had been accessed for the "Sculpted by Fire" Exhibition. In 2021, funds had been accessed through Tourism and Events Queensland funding to undertake a Strategic Plan for the festival. Ms Wendy Lacey of Team Lacey Consultancy had been engaged to produce the Strategic Plan. Mrs Lovell advised that the Strategic Plan had provided direction to grow and develop the festival into a destination event for the Shire. A number of goals and actions had been identified within the strategy, especially to develop an inclusive and creative festival program which celebrates the uniqueness of the region. Within that goal, one of the strategies was to explore creative networks to link with festival programming. Attention had been drawn to the artwork of Matty G, a chainsaw sculptor from the Sunshine Coast by a local resident who had seen his work at a Brisbane festival.

Mrs Lovell advised his contact details had been kept on file and contact had been made with Matty G this year to add artistic and creative content to the First Fire Event. It was considered that chainsaw

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sculpting would add a new element to the festival which most local people would not have seen. The Burdekin Woodturners' Association was very supportive of the concept. The group was already supportive of the festival and makes all the trophies for the event and has a display of their woodturning at the festival.

Mrs Lovell advised that Matty G can supply his own timber or source it locally, either fallen timber or timber available for purchase. Installation of the artwork had not been included in Matty G's quotation as the final install location will be decided by Council. Examples of his work were made available to members.

Mr Woods explained that, although he was supportive of the concept, he was concerned about the precedent in funding the project to the extent of \$7,000. Other funded organisations had been expected to make a contribution for attendance at a workshop for gaining of new skills.

It was explained that applicants had been funded to the extent of \$7,000 in the previous round, and the RADF guidelines included the statement *"At the discretion of the committee, projects exceeding \$5,000 will be judged on merit"*.

It was also noted that the Burdekin Woodturners' Association members were not chainsaw artists and it was expected the members would be exposed to a new type of artwork, rather than gaining a new skill.

Other matters were reviewed in relation to the budget costs, type of timber proposed to be used by artist, and timing for production of the artwork by the artist on Thursday evening, 27 May and Saturday, 29 May during conduct of the SDHN Festival. The meeting noted that the project did not include the cost of final installation as the site needed to be decided by Council at the conclusion of the project.

Mrs Lovell and Ms Bevilacqua left the meeting at this stage.

Members considered the application submitted by the Economic Development Section of Burdekin Shire Council.

#### 4. Recommendation

It is recommended that funds of \$7,000 be provided for the project submitted by the Economic Development Section of Burdekin Shire Council to employ Chainsaw Artist, Matt G to carve a cane cutter sculpture from timber as the project would not only provide an attraction for the 2021 Sweet Days Hot Nights Festival but also provide an ongoing and lasting sculpture to be installed in the district and contribute to the Burdekin art trail.

There being no further business the meeting closed at 4-50pm.

#### Actions from Meeting – 6 May 2021

	Action Item	Responsible Officer	Due Date	Status
1	Funds to be made available for Sweet Days Hot Nights Project	J Horan	26/5/21	Pending

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**Actions from Previous Meeting – 1 December 2020**

	Action Item	Responsible Officer	Due Date	Status
1	Distribute funds to successful applicants as per list	J Horan	31/1/21	Attended to
2	Update 2020/21 RADF Priority Funding Areas	J Horan	31/1/21	Attended to

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## 4 EXECUTIVE

### 4.1 CEO

### 4.2 ECONOMIC DEVELOPMENT

## 5 CORPORATE AND COMMUNITY SERVICES

### 5.1 CLIENT SERVICES

#### 5.1.1 Annual Staff Accrued Annual and Long Service Leave Entitlements

**File Reference** 395

**Report Author** Mrs. Eileen Devescovi – Manager Client Services

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

**Meeting Date** 25 May 2021

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

Burdekin Shire Council Corporate Plan 2017-2021

5.3.2 Ensure Council's financial position is effectively managed

5.4.1 Develop a cost effective, adaptable and capable workforce to implement the vision of the Burdekin Shire Council

Burdekin Shire Council Operational Plan 2020-2021

HR2 Deliver workforce data reports that meet Council's requirements and highlights workforce trends to inform workforce planning

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### **Executive Summary**

The purpose of this report is to provide Council with an update on current Annual Leave and Long Service Leave accrued entitlements for staff.

### **Recommendation**

That the Staff Accrued Annual Leave and Long Service Leave Entitlement Reports be received and noted.

### **Background**

#### Annual Leave (AL)

*The Burdekin Shire Council Certified Agreement (CA) 2018 states: -*

35.7 Council encourages all employees to take their full complement of annual leave during each year of employment. Council shall consider annual leave accruals to be excessive in

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*accordance with the following scale. Employees who exceed the excessive limits will be required to submit an appropriate leave plan to reduce their accrual balance to below the limits within an appropriate timeframe.*

- *effective 1.7.18 - 10 weeks*
- *effective 1.7.19 - 10 weeks*
- *effective 1.7.20 - 9 weeks*

As you would see from the graphs Annual Leave accruals have improved over the last 12 months even with the cap reducing from ten (10) weeks to nine (9) weeks. There are still employees over the cap (15 employees) and Management is working towards reducing these balances.

#### Long Service Leave (LSL)

The Burdekin Shire Council Certified Agreement (CA) 2018 states: -

36.7 *Council shall consider long service leave accruals to be excessive in accordance with the following scale. Employees who exceed the excessive limits will be required to submit an appropriate leave plan to reduce their accrual balance to below the limits within an appropriate timeframe.*

- *effective 1.7.18 - 26 weeks*
- *effective 1.7.19 - 24 weeks*
- *effective 1.7.20 - 22 weeks*

As you would see from the graphs Long Service Leave accruals have improved over the last 12 months even with the cap reducing from 24 weeks to 22 weeks. There is only one (1) employee over the cap and Management is working towards reducing this balance.

#### **Consultation**

Not Applicable.

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

Excess Leave accruals have been noted as a significant liability in previous financial audits. It has been recommended that Council reduce its excess leave balances and subsequently reduce Council's liability.

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

Not Applicable.

#### **Policy Implications**

Burdekin Shire Council Certified Agreement 2018.

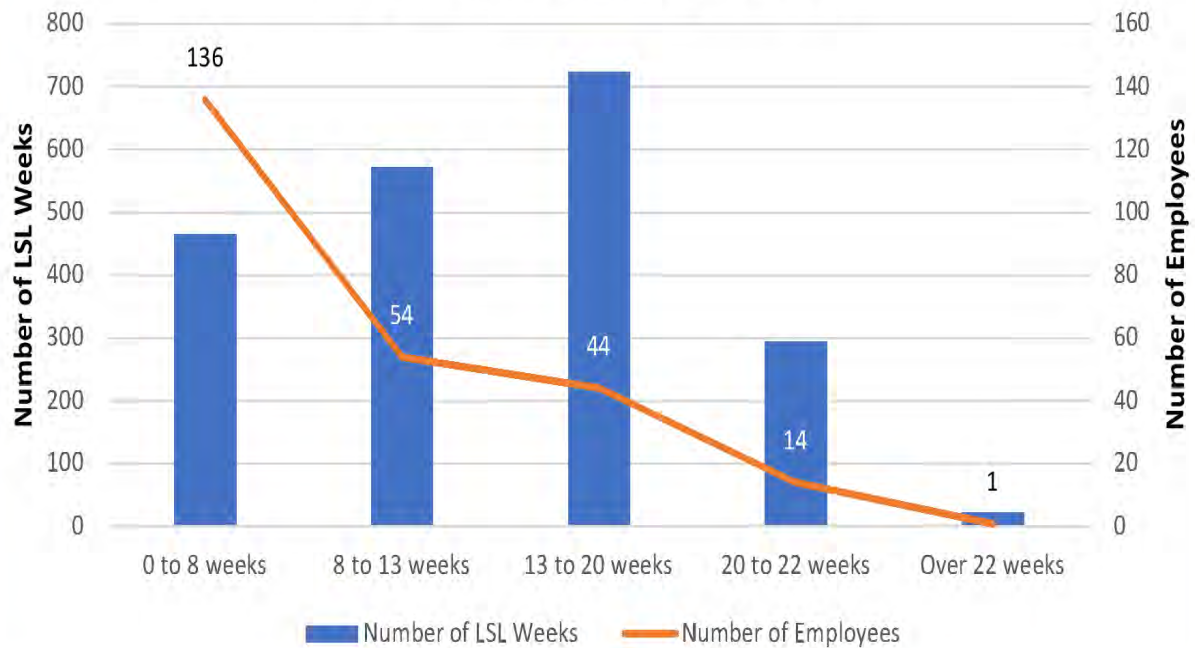
#### **Risk Implications (Strategic, Operational, Project Risks)**

Not Applicable.

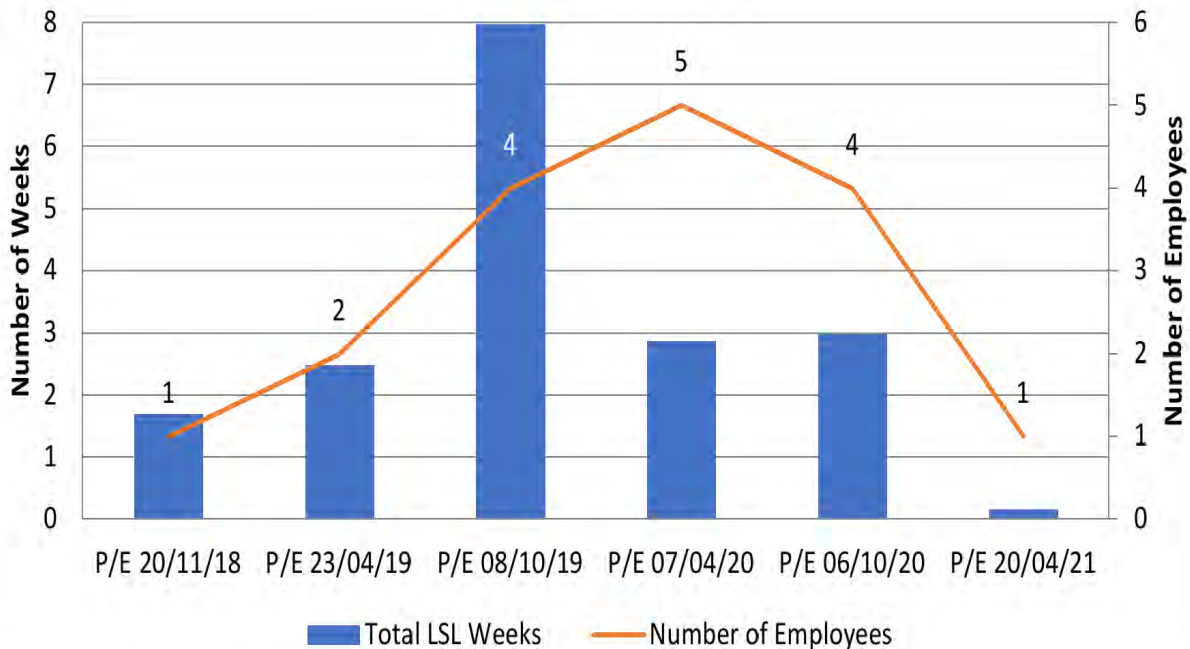
#### **Attachments**

1. Leave Graphs Period Ending 20 April 2021.

### Long Service Leave - P/E 20.04.21



### LSL - Over Excess Cap



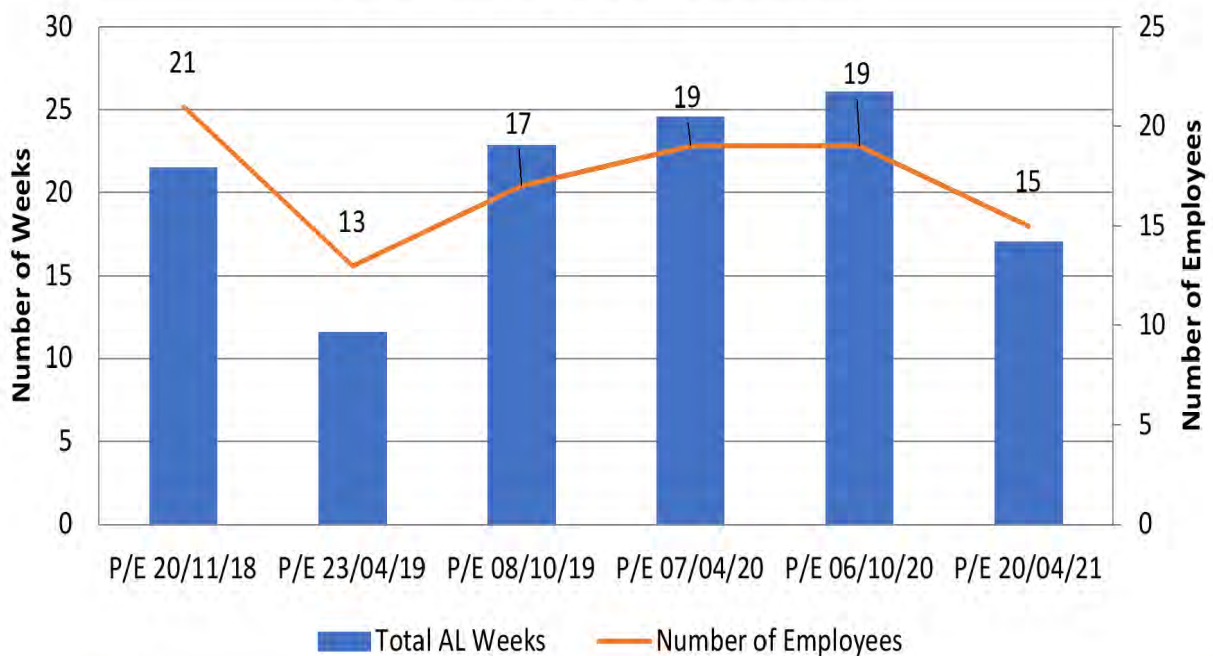
Note: Excess limit reduced from 26 weeks to 24 weeks effective from 01.07.19

Note: Excess limit reduced from 24 weeks to 22 weeks effective from 01.07.20

### Annual Leave - P/E 20.04.2021



### Annual Leave - Over Excess Cap



*Note: Excess limit reduced from 10 weeks to 9 weeks effective from 01.07.20*



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## 5.2 COMMUNITY DEVELOPMENT

### 5.2.1 Burdekin Shire Youth Council Charter 2021 - 2025

<b>File Reference</b>	137
<b>Report Author</b>	Mrs. Tammy Quagliata – Community Development Support Officer
<b>Authoriser</b>	Mr. Nick O'Connor – Director Corporate and Community Services
<b>Meeting Date</b>	25 May 2021

#### Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

- 3.1 Safe, healthy, inclusive and socially engaged communities
  - 3.2 Strong community organisations
  - 3.3 Creating places of community identity
  - 3.5 Build a robust and resilient community
- 

#### Executive Summary

Burdekin Shire Council has supported the establishment and operation of the Burdekin Shire Youth Council since inception in 1994. The group consists up to 25 members of youth aged 12-20 years, supported by a coordinator from Council's Community Development Department.

A new Draft Charter for the group has been developed based on a template that has been approved by Council.

Recruitment of Youth Council Members occurs annually in February, with remaining members invited to return each year.

#### Recommendation

That Council adopts the attached Burdekin Shire Youth Council Charter 2021-2025.

#### Background

A review of Council's Advisory Committee Structure was included as an activity within Council's adopted Operational Plan 2019/2020. The new Burdekin Shire Youth Council Charter has been developed as a result of recommendation from the review and based on a draft template that has been approved by Council to ensure consistency.

#### Consultation

Current Youth Council Members and Community Development Staff.  
Discussion with Councillors at Council Workshop.

#### 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. Burdekin Shire Youth Council Charter 2021-2025.

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Appendix D

# Burdekin Shire Youth Council Charter

2021

## Purpose

The purpose of this charter is to outline the role, composition, membership procedures and operational guidelines and responsibilities for the Burdekin Shire Youth Council (BSYC).

## Authority

The Burdekin Shire Youth Council has no executive powers or decision-making authority, unless delegated to it by the Council through resolution.

The Burdekin Shire Youth Council is an advisory committee of Burdekin Shire Council and is directly responsible to Council. In performing its responsibilities, the committee has the authority to:

- Hold meetings to discuss matters within the scope of the group's functions
- Request attendance of relevant Council employees at meetings
- Request information relevant to the group's functions
- Make recommendations to Council for consideration.

## Role

The Youth Council is a team of young people who represent the youth community of the Burdekin Shire. Youth Council Members are expected to communicate and liaise with the community and participate and contribute to projects and events in order to improve the well-being of all local young people providing them with greater opportunities.

The role of the Burdekin Shire Youth Council is to provide a youth-driven forum that exists as a key engagement body for the purpose of suggesting ideas, voicing issues and concerns, as well as promoting community spirit and a sense of belonging for all young people of our district.

Burdekin Shire Youth Council exists to secure a linkage between youth and the Burdekin Shire Council and to advise Council on matters affecting young people that are considered to benefit all residents of the Shire, especially youth.

## Aims

The aims of the Burdekin Shire Youth Council are:

- To create (in the youth of the Burdekin) an active interest and involvement in the affairs of the Shire, including community events and projects.
- Identify current issues relating to the youth of the Burdekin and help work toward identifying positive solutions and outcomes.
- To provide a forum for the voicing of opinions and views of youth of the Shire
- To provide youth with an understanding of the function of Local Government
- To provide an opportunity for skills development for BSYC members.

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## Membership

The Burdekin Shire Youth Council shall comprise of a maximum of twenty-five (25) general voting members, and 1 Council Staff Representative who is a non-voting attendee responsible for coordinating the Burdekin Shire Youth Council.

Membership is for 1 year unless:

- Resignation is given by the member in writing to the Secretary
- Cancelled by failure to attend three (3) consecutive meetings without proper notification
- Cancelled by Burdekin Shire Council if a member fails to meet the conditions of membership (noted below in Meetings & Attendance) and ethical practice.

## Recruitment/ Selection of Members

Applicants will be sought annually from schools, colleges and organisations who have contact with young people, and the general community.

### Application Criteria

- There are no gender specifications
- 12-20 years of age
- Residing in Burdekin district
- Good personal record and reputation
- Keen interest in community issues and community service

### Selection Process

- Selection criteria will include a wide representation of young people
- Successful and unsuccessful applicants will be notified in writing
- Suitable unsuccessful applicants will be put on a standby list (if required)
- Successful applicants will be appointed by the Council

## Tenure

Consecutive membership on the group will be unlimited until the member is over 20 years of age.

## Vacancy

An application form for Youth Council membership will be made available from Council annually and is to be completed by every applicant and submitted by the deadline. Existing members are invited to reapply for membership.

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## Office Bearer Positions

Office bearers shall be elected by the Committee at the beginning of each new term to serve for one year. Office bearer positions include:

- Youth Mayor
- Deputy Youth Mayor
- Secretary (correspondence/minutes)

### **Role of Youth Mayor**

1. The Youth Mayor chairs all formal meetings and accepts the inherent responsibilities
2. The Youth Mayor is the official representative of the Youth Council

### **Role of Deputy Youth Mayor**

1. The Deputy Youth Mayor performs the duties of the Youth Mayor when the Youth Mayor is absent

### **Role of Secretary**

1. Record all discussions and decisions of the Youth Council in minutes form for adoption and confirmation at the following meeting
2. Prepare necessary correspondence arising from minutes
3. Completed with assistance from the Burdekin Shire Youth Council Coordinator

## Meetings and Attendance

The below requirements form the conditions of membership:

- The Youth Council shall meet on a regular basis (in most cases monthly) on suitable dates and at times as determined by the Youth Council
- Meetings are open to young people who may wish to attend from time to time
- A quorum will comprise of half of the members plus 1
- Meetings will take place at the Burdekin Shire Council Chambers
- Meeting procedures and other relevant information will be provided to all committee members at the beginning of each term

Members should be given adequate notification of the meeting one or two weeks prior, if possible.

All members of the Youth Council will be required to attend meetings. Any member who is unable to attend a meeting is required to contact the Youth Council Coordinator (Council's Community Development officer), as early as possible, to lodge an apology.

In the event that any member fails to attend three (3) consecutive meetings without having lodged an apology that is reasonable and genuine, a letter will be sent to that member advising of Council's

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intention to cancel their membership.

## Making of Recommendations

The Burdekin Shire Youth Council will be an important mechanism for consultation, collaboration, advice and feedback to Council on youth and community matters within the Burdekin shire.

Recommendations from the group will be recorded in the minutes and will be submitted to Council via a meeting report. The group will be notified of the outcome of the meeting recommendations at the following meeting.

## Conflicts of Interest and Ethical Practices

Members are required to declare any interests that could constitute a real, potential, or perceived conflict of interest with respect to participation in the meeting. The declaration must be made in relation to specific agenda items at the outset of each committee meeting. Members of the Burdekin Shire Youth Council must conduct themselves in a way which is considered appropriate and promotes a culture of ethical behaviour.

## Confidentiality

All group members are required to maintain confidentiality in relation to any confidential discussions and information obtained during or as a result of Youth Council. Any breaches of confidentiality will be referred to the Council for consideration and appropriate action.

## Minutes

Minutes shall be completed by the Youth Council Secretary and prepared in co-operation with Council's Youth Council Coordinator within 1 week of the meeting being held. Minutes shall be kept of all meetings and shall be submitted on the Council agenda on a regular basis.

All minutes must be completed on the approved committee meeting template and should include any recommendations to Council.

## Review of Charter

The Charter is to be reviewed by Youth Council every two years.

All amendments to the charter must be adopted by Council resolution at a Council meeting following the amendment.

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

#### **5.3.1 Monthly Financial Report for Period Ending 30 April 2021**

##### **Recommendation**

That the Monthly Financial Report for Period Ending 30 April 2021 be received.



## Financial Report - April 2021

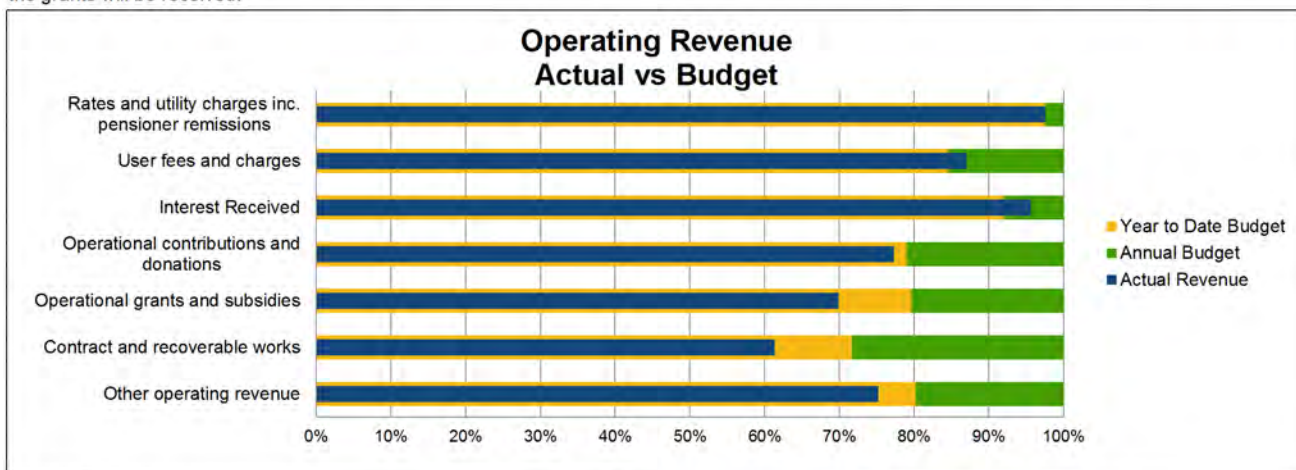
The following report provides a summary of Council's financial performance to 30 April 2021.

### FINANCIAL STATEMENTS AT A GLANCE

As at 30 April 2021	Actual \$	Annual Budget \$	YTD Revised Budget \$	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Total Operating Revenue	45,409,363	48,569,749	45,889,484	-480,121	-1%
Total Operating Expenses	40,221,924	50,745,454	42,123,826	-1,901,902	-5%
<b>Operating Position</b>	<b>5,187,439</b>	<b>-2,175,705</b>	<b>3,765,658</b>	<b>1,421,781</b>	<b>38%</b>
Capital Revenue	4,033,253	6,142,849	8,068,052	-4,034,799	-50%
<b>Net Result</b>	<b>9,220,692</b>	<b>3,967,144</b>	<b>11,833,710</b>	<b>-2,613,018</b>	<b>-22%</b>

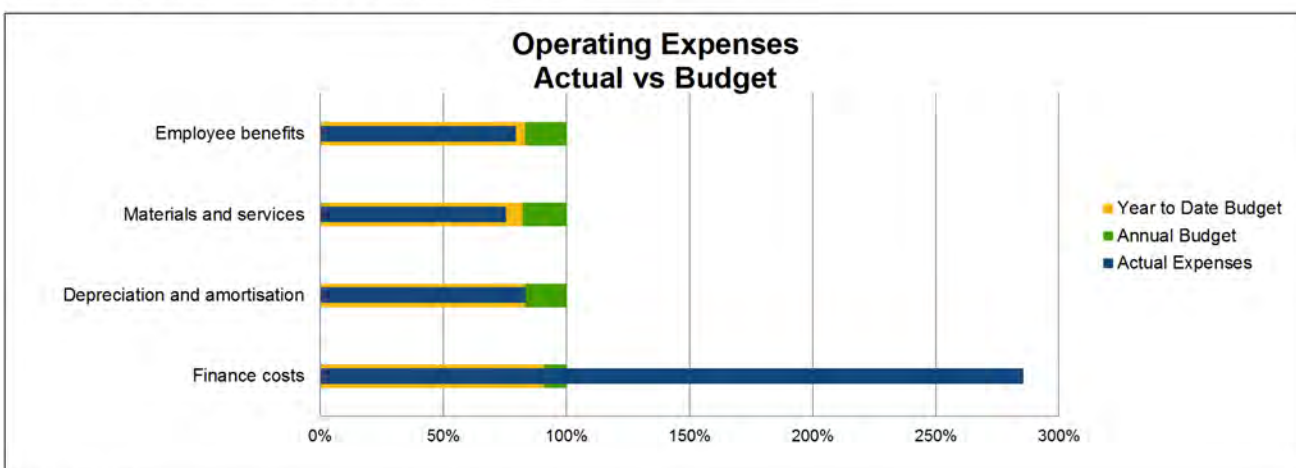
This report contains financial information for the period ending 30 April 2021. Council's operating position at month end is a \$5.19M surplus.

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



#### Under Budget:

- Operational grants and subsidies: timing of Disaster Funding Arrangement (DRFA) works.
- Contract and recoverable works: timing of Road Maintenance Performance Contract (RMPC) works.
- Other operating revenue: under budget for theatre ticket and bar sales.



#### Under Budget:

- Employee benefits: timing of payroll transactions for the pay period ending 4 May.
- Materials and Services: under budget for water production, waste management, cultural facilities and events.

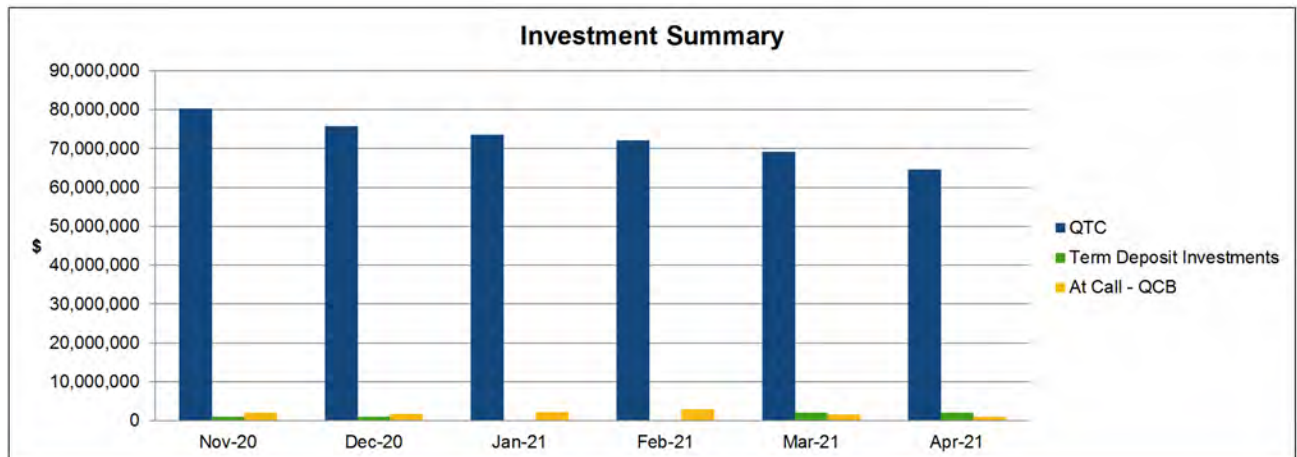
#### Over Budget:

- Finance costs: adjustment to borrowing cost transactions from the change in time calculation in the restoration provision. These transactions are not included in the budget estimates.

## INVESTMENT PORTFOLIO

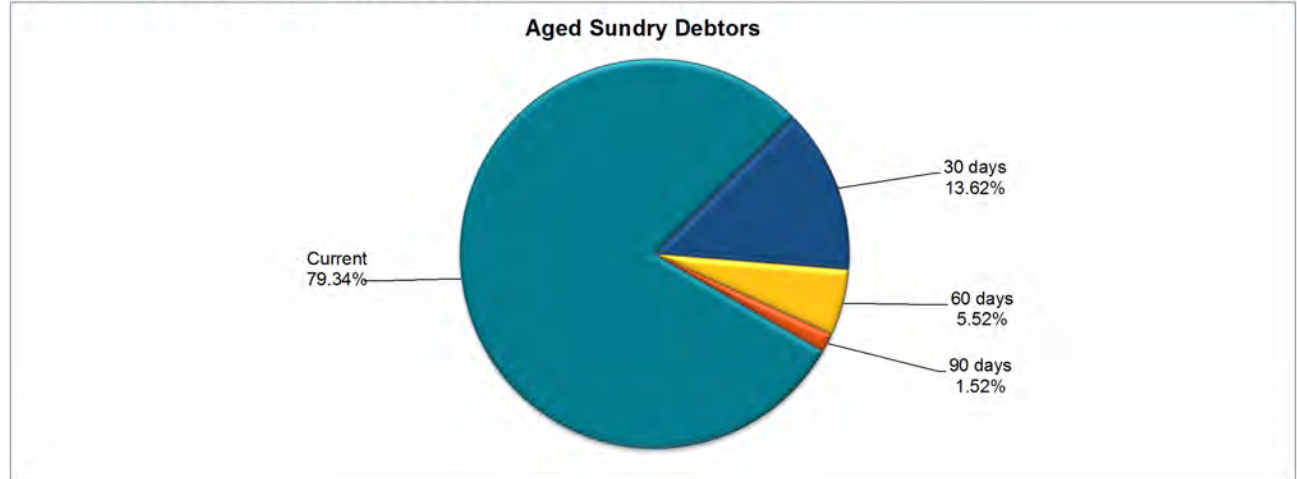
### Investment Report as at 30 April 2021 (including at call cash)

	Total Invested	Average Current Rate Weighted	% Invested
QCB	2,000,000	0.60%	2.95%
QTC	64,661,660	0.64%	95.42%
QCB General	1,102,836	1.05%	1.63%
<b>Total Funds</b>	<b>\$67,764,497</b>		



## SUNDRY DEBTORS

Total outstanding Sundry Debtors as at 30 April are \$465,475

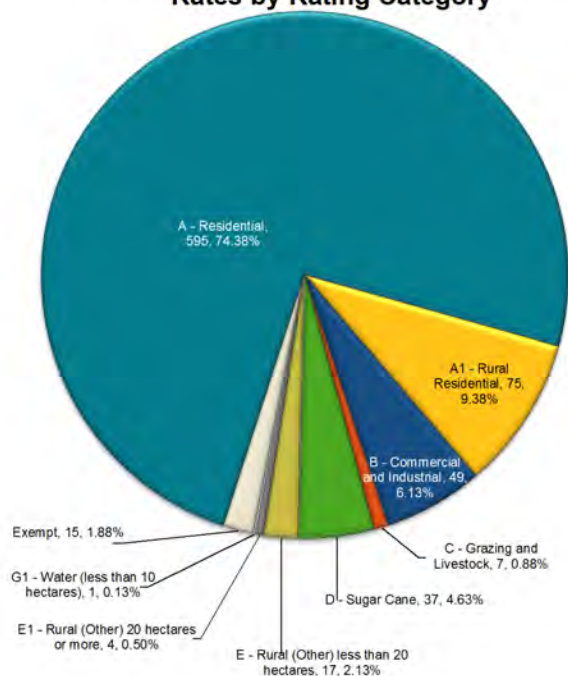


## RATES

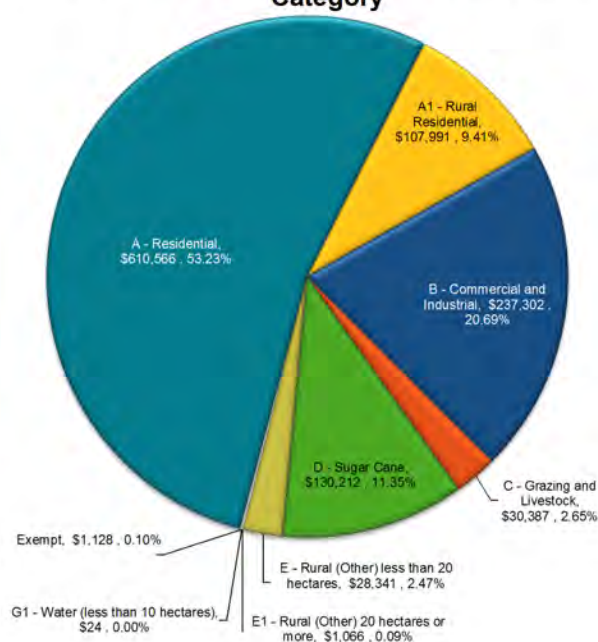
Arrears as at 1 July 2020		\$888,254
Levy and fees raised *	\$42,371,280	
Interest charged *	\$89,454	
Less Pensioner subsidy and rebate	<u>\$663,022</u>	\$41,797,712
Payments received		<u>\$41,537,465</u>
Arrears as at 30 April 2021		<u>\$1,148,501</u>
% Arrears April 2021		2.69%
% Arrears April 2020		2.73%
Pre-payments as at 30 April 2021		\$1,527,103
Pre-payments as at 30 April 2020		\$1,367,071

\* includes State Govt Emergency Management Levy

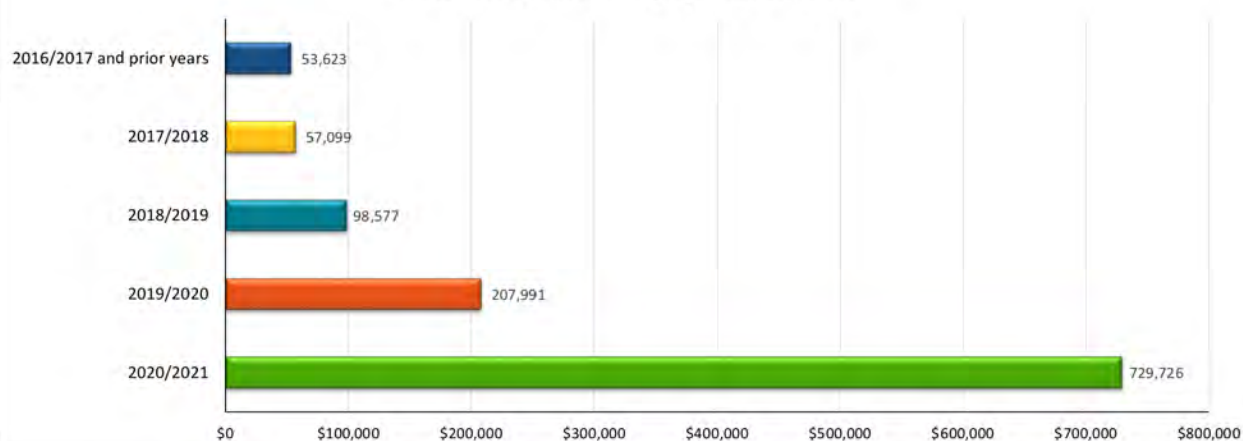
**Number of Properties with Outstanding Rates by Rating Category**



**\$ Value of Outstanding Rates by Rating Category**



**Total Rates Outstanding by Financial Year**





## Rates Debt Recovery

### Collection House - Debt Referral

Council currently has 150 active files with Collection House with an outstanding balance of \$453,626.40.

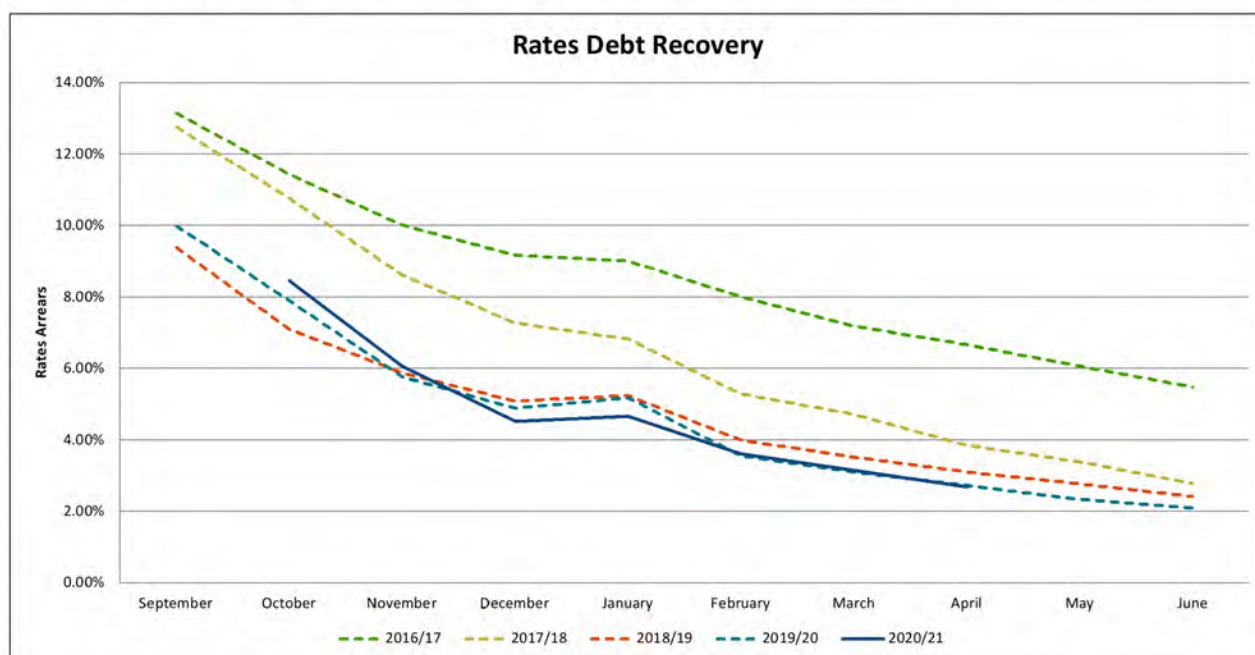
Out of these active files, 44 have negotiated arrangements and are being monitored by Collection House. The remaining properties are either under review or have proceeded to the next stage of the debt collection process.

### Collection House - Sale of Land

During the month of February, 15 properties were referred to Collection House to commence Sale of Land proceedings. Payment in full has been received for three of these properties.

### Council Periodic Payment Plans

In addition to the properties referred to Collection House, there are 151 current periodic payment plans made directly with Council representing outstanding rates of \$131,866.44. These plans are continuing to be monitored by Rates Staff to ensure conformance.



Water Rate Levies were issued on 15 January 2021, with a due date of 16 February 2021.



## OVERVIEW OF COUNCIL'S CAPITAL PROJECTS

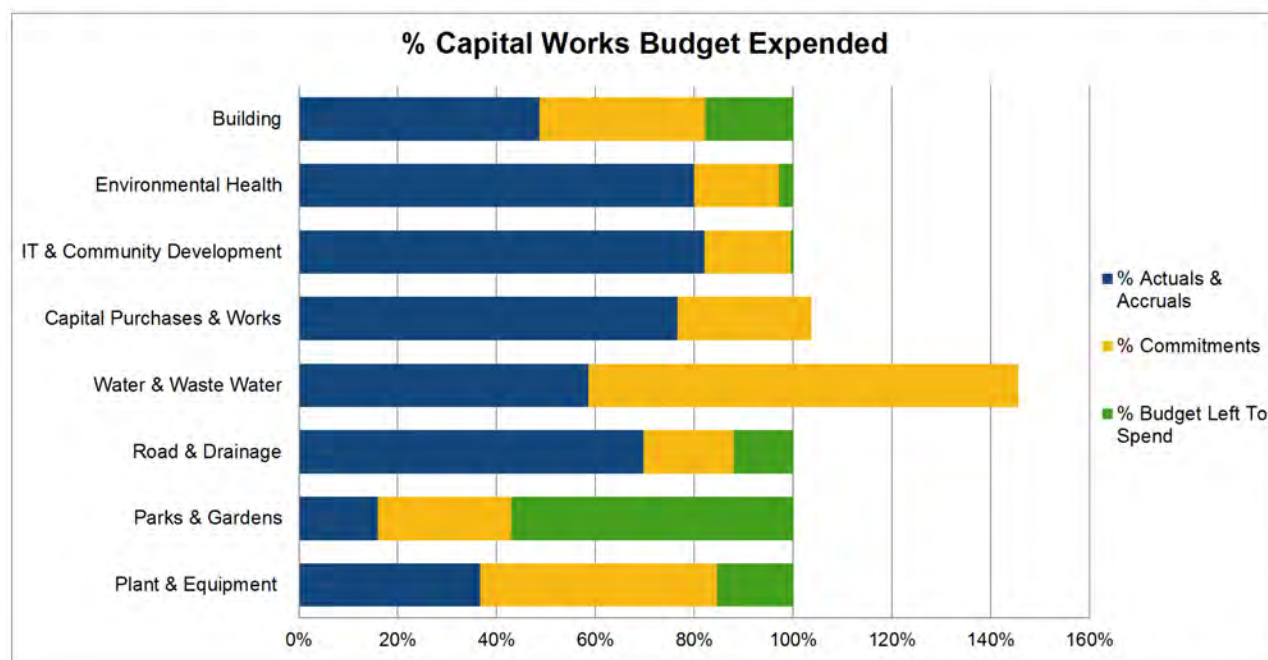
Capital expenditure incurred for the year to 30 April, is shown by asset category in the table below.

Capital project expenditure to 30 April is \$13,352,155. In addition to this, there is \$8,518,172 of commitments. Therefore bringing the total capital expenditure to \$21,870,327.

### Financial Overview by Asset Category

Asset Category	Original Budget	Revised Budget	Actuals & Accruals	Commitments	Total
Building	\$ 775,653	\$ 1,670,739	\$ 812,364	\$ 561,472	\$ 1,373,836
Environmental Health	\$ 315,000	\$ 275,928	\$ 220,605	\$ 47,787	\$ 268,392
IT & Community Development	\$ 384,200	\$ 587,996	\$ 482,835	\$ 102,381	\$ 585,216
Capital Purchases & Works	\$ 10,000	\$ 572,094	\$ 438,156	\$ 154,719	\$ 592,875
Water & Waste Water	\$ 11,137,000	\$ 5,013,908	\$ 2,934,501	\$ 4,363,063	\$ 7,297,564
Road & Drainage	\$ 9,380,000	\$ 10,693,161	\$ 7,465,506	\$ 1,947,907	\$ 9,413,413
Parks & Gardens	\$ 430,000	\$ 621,000	\$ 99,093	\$ 167,848	\$ 266,941
Plant & Equipment	\$ 1,840,000	\$ 2,447,031	\$ 899,095	\$ 1,172,995	\$ 2,072,090
<b>TOTAL</b>	<b>\$ 24,271,853</b>	<b>\$ 21,881,857</b>	<b>\$ 13,352,155</b>	<b>\$ 8,518,172</b>	<b>\$ 21,870,327</b>

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

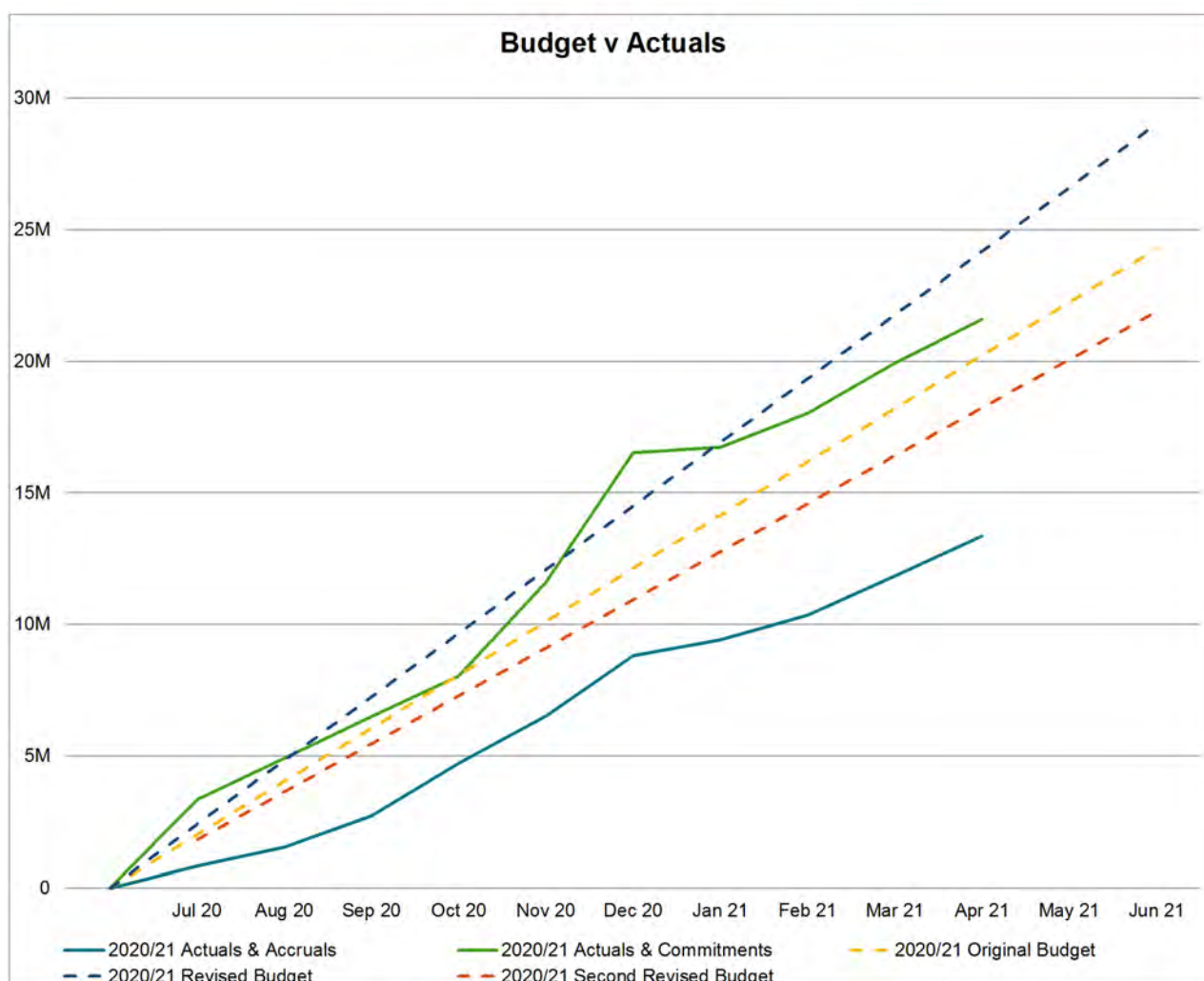


### Water and Waste Water

Over annual budget due to orders raised for Home Hill Water Storage Reservoir. This project is expected to be completed next financial year. The budget for this project is over two years.

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

## OVERVIEW OF COUNCIL'S CAPITAL PROJECTS



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

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

The capital budget decreased in the second revision due to the timing of completion of the Home Hill 5ML Water Storage Reservoir and the Ayr Water Supply projects. The budget for these projects has been deferred to future years.

### APPENDIX 1 - OPERATING STATEMENT BY MANAGER

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

### APPENDIX 2 - TOTAL COUNCIL OPERATING STATEMENT

Attached is the Total Council Operating Statement for your information.

### APPENDIX 3 - STATEMENT OF FINANCIAL POSITION

Attached is the Statement of Financial Position as at 30 April 2021.

### APPENDIX 4 - STATEMENT OF CASH FLOWS

Attached is the Statement of Cash Flows for the period ending 30 April 2021.

**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Chief Executive Officer**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Operational contributions and donations	0	775	833	-58	-7%
Operational grants and subsidies	0	23,153	2,500	20,653	826%
Other operating revenue	20,713	49,045	38,067	10,979	29%
<b>Total operating revenue</b>	<b>20,713</b>	<b>72,974</b>	<b>41,400</b>	<b>31,574</b>	<b>76%</b>
<b>Operating Expenses</b>					
Employee benefits	96,163	1,074,053	1,092,176	-18,123	-2%
Materials and services	646	154,542	312,834	-158,292	-51%
<b>Total operating costs</b>	<b>96,809</b>	<b>1,228,595</b>	<b>1,405,010</b>	<b>-176,415</b>	<b>-13%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-76,096</b>	<b>-1,155,621</b>	<b>-1,363,610</b>	<b>207,988</b>	<b>-15%</b>
<b>Net result for period</b>	<b>-76,096</b>	<b>-1,155,621</b>	<b>-1,363,610</b>	<b>207,988</b>	<b>-15%</b>

**Comments**

**Operational grants and subsidies**

Unbudgeted grant received in March for indigenous performances and activities at the Sweet Days Hot Nights festival. Expenses for the festival will also increase to cover the cost of these additional activities.

**Other operating revenue**

Above year to date budget due to receipt of the majority of sponsorships for the Sweet Days Hot Nights festival.

**Materials and services**

Under budget for the marketing and promotion of destination website due to delays relating to COVID-19. Development of Brand and Marketing strategy for Industrial Estate is proceeding with marketing consultant appointed but no payments made to date. Update of investment attraction video and material is planned to occur during May with quotation accepted from a production company. Limited actual expenditure to date on Sweet Days Hot Nights festival, with bulk of costs to be incurred May and June.



**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Director of Corporate & Community Services**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	6,123	62,722	72,803	-10,081	-14%
Operational contributions and donations	0	11,188	10,500	688	7%
Operational grants and subsidies	0	98,328	98,328	0	0%
Other operating revenue	241	2,572	2,075	497	24%
<b>Total operating revenue</b>	<b>6,364</b>	<b>174,810</b>	<b>183,706</b>	<b>-8,896</b>	<b>-5%</b>
<b>Operating Expenses</b>					
Employee benefits	46,759	491,877	519,838	-27,961	-5%
Materials and services	30,409	430,710	483,833	-53,123	-11%
Depreciation and amortisation	103,805	1,059,783	1,062,167	-2,383	0%
<b>Total operating costs</b>	<b>180,973</b>	<b>1,982,370</b>	<b>2,065,838</b>	<b>-83,468</b>	<b>-4%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-174,610</b>	<b>-1,807,560</b>	<b>-1,882,132</b>	<b>74,572</b>	<b>-4%</b>
Capital grants and subsidies	0	0	365,001	-365,001	-100%
Other capital income (expense)	0	-93,564	-100,505	6,941	-7%
<b>Net result for period</b>	<b>-174,610</b>	<b>-1,901,124</b>	<b>-1,617,636</b>	<b>-283,488</b>	<b>18%</b>

**Comments**

**User fees and charges**

Under budget for rentals of Council properties.

**Employee benefits**

Under budget due to the timing of payroll transactions for the pay period ending 4 May.

**Materials and services**

Under budget due to timing of audit reviews as part of approved internal audit program.

**Capital grants and subsidies**

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



**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Client Services**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Operational grants and subsidies	0	31,440	31,440	0	0%
Other operating revenue	99	26,298	27,814	-1,516	-5%
<b>Total operating revenue</b>	<u>99</u>	<u>57,739</u>	<u>59,254</u>	<u>-1,516</u>	<u>-3%</u>
<b>Operating Expenses</b>					
Employee benefits	364,597	2,213,725	2,141,643	72,082	3%
Materials and services	52,668	1,578,211	1,616,754	-38,544	-2%
<b>Total operating costs</b>	<u>417,265</u>	<u>3,791,936</u>	<u>3,758,398</u>	<u>33,538</u>	<u>1%</u>
<b>Surplus (deficit) from operating activities</b>	<u>-417,167</u>	<u>-3,734,197</u>	<u>-3,699,144</u>	<u>-35,054</u>	<u>1%</u>
<b>Net result for period</b>	<u>-417,167</u>	<u>-3,734,197</u>	<u>-3,699,144</u>	<u>-35,054</u>	<u>1%</u>

**Comments****Other operating revenue**

Under budget for electricity reimbursements at Multi-Purpose Building. Electricity consumption has been lower than expected.

**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Community Services**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	26,075	115,758	192,550	-76,792	-40%
Operational grants and subsidies	0	38,302	73,943	-35,641	-48%
Other operating revenue	2,469	77,796	112,176	-34,380	-31%
<b>Total operating revenue</b>	<b>28,544</b>	<b>231,857</b>	<b>378,669</b>	<b>-146,813</b>	<b>-39%</b>
<b>Operating Expenses</b>					
Employee benefits	106,922	1,253,559	1,464,311	-210,752	-14%
Materials and services	75,033	857,291	1,133,763	-276,473	-24%
Depreciation and amortisation	6,846	70,268	70,333	-65	0%
<b>Total operating costs</b>	<b>188,801</b>	<b>2,181,118</b>	<b>2,668,408</b>	<b>-487,290</b>	<b>-18%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-160,257</b>	<b>-1,949,261</b>	<b>-2,289,739</b>	<b>340,478</b>	<b>-15%</b>
Capital grants and subsidies	0	65,315	1,172,116	-1,106,801	-94%
Other capital income (expense)	0	0	-118,600	118,600	-100%
<b>Net result for period</b>	<b>-160,257</b>	<b>-1,883,946</b>	<b>-1,236,223</b>	<b>-647,723</b>	<b>52%</b>

**Comments**

**User fees and charges**

Under budget for hire of cultural facilities. COVID-19 has affected venue bookings and revenue for the majority of the financial year.

**Operational grants and subsidies**

Under year to date budget due to Works for Queensland 2019-2021 grant not yet recognised for public artwork.

**Other operating revenue**

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

**Employee benefits**

Under budget due to casual staff being less frequently engaged for the theatre during this period.

**Materials and services**

Under year to date budget for Cultural Facilities, Art and Culture Other, and Community Assistance. Cultural Facilities are under budget across various areas including electricity, materials, and performance fees due to the reduced use of Council venues as a result of COVID-19 restrictions. Art and Culture Other under budget due to Works for Queensland 2019-2021 funding not yet spent on artwork and the Art and Culture Strategy. The Strategy was budgeted to be spent by December, however commenced in February following the appointment of a consultant for the project. This project is expected to be completed by June 21.

**Capital grants and subsidies**

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

**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Environmental & Health Services excluding Waste Program**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	-1	87,000	87,900	-900	-1%
User fees and charges	40,239	510,583	496,709	13,875	3%
Operational contributions and donations	2,729	96,099	115,620	-19,521	-17%
Operational grants and subsidies	0	21,000	21,000	0	0%
Other operating revenue	474	5,618	8,571	-2,953	-34%
<b>Total operating revenue</b>	<b>43,440</b>	<b>720,300</b>	<b>729,799</b>	<b>-9,499</b>	<b>-1%</b>
<b>Operating Expenses</b>					
Employee benefits	102,204	1,188,281	1,257,496	-69,215	-6%
Materials and services	94,228	1,486,199	1,600,467	-114,268	-7%
Depreciation and amortisation	25,300	256,512	257,250	-738	0%
<b>Total operating costs</b>	<b>221,732</b>	<b>2,930,993</b>	<b>3,115,213</b>	<b>-184,221</b>	<b>-6%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-178,292</b>	<b>-2,210,693</b>	<b>-2,385,414</b>	<b>174,722</b>	<b>-7%</b>
Other capital income (expense)	0	-11,658	-6,504	-5,154	79%
<b>Net result for period</b>	<b>-178,292</b>	<b>-2,222,351</b>	<b>-2,391,918</b>	<b>169,567</b>	<b>-7%</b>

**Comments**

**Operational contributions and donations**

Under year to date budget due to Illegal Dumping Partnership grant yet to be received.

**Other operating revenue**

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

**Employee benefits**

Health Administration under budget due to greater than average leave taken and vacancy for illegal dumping officer. Animal Management is under budget due to past vacancy.

**Materials and services**

Slightly under budget in a range of areas including swimming pools, caravan parks, beach protection, vector and aquatic weed control. The swimming pools and caravan parks are under budget mainly due to reduced electricity charges. Beach Protection is also under budget due to works not yet undertaken as per proposed Dune Management Strategy. The vector area is under budget for chemical purchases. Aquatic weed control is under budget due to reduced infestations and wet conditions preventing boat work.



**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Environmental & Health Services - Waste Program**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	0	4,057,540	4,059,944	-2,404	0%
User fees and charges	62,149	537,140	474,290	62,851	13%
Interest Received	3,467	49,364	49,288	75	0%
Operational grants and subsidies	32,255	46,518	14,263	32,255	226%
Other operating revenue	5,895	140,232	141,516	-1,284	-1%
<b>Total operating revenue</b>	<b>103,766</b>	<b>4,830,794</b>	<b>4,739,301</b>	<b>91,493</b>	<b>2%</b>
<b>Operating Expenses</b>					
Employee benefits	60,147	687,902	703,922	-16,020	-2%
Materials and services	463,633	1,948,356	2,103,615	-155,259	-7%
Depreciation and amortisation	31,799	326,614	329,500	-2,886	-1%
Finance Costs	150,023	150,023	0	150,023	-
<b>Total operating costs</b>	<b>705,603</b>	<b>3,112,894</b>	<b>3,137,038</b>	<b>-24,143</b>	<b>-1%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-601,837</b>	<b>1,717,899</b>	<b>1,602,263</b>	<b>115,636</b>	<b>7%</b>
Capital grants and subsidies	0	0	31,607	-31,607	-100%
Other capital income (expense)	114,872	112,711	-2,661	115,372	-4336%
<b>Net result for period</b>	<b>-486,965</b>	<b>1,830,611</b>	<b>1,631,209</b>	<b>199,401</b>	<b>12%</b>

**Comments**

**User fees and charges**

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

**Operational grants and subsidies**

Over budget due to receiving more Regional Recycling Transport Assistance Package grant than expected.

**Materials and services**

Under budget for legacy landfill expenditure.

**Finance Costs**

Unbudgeted adjustment to restoration provision of borrowing costs due to time change.

**Capital grants and subsidies**

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

**Other capital income (expense)**

Unbudgeted transactions for the revision of future costs and discount rate movement for restoration provision.



**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Financial and Administrative Services**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	0	27,455,971	27,475,484	-19,513	0%
Pensioner remissions	0	-345,386	-342,738	-2,648	1%
User fees and charges	4,575	91,812	89,145	2,667	3%
Interest Received	16,306	228,227	221,862	6,365	3%
Operational grants and subsidies	2,500	967,755	977,755	-10,000	-1%
Other operating revenue	55	35,492	35,546	-54	0%
<b>Total operating revenue</b>	<b>23,437</b>	<b>28,433,870</b>	<b>28,457,054</b>	<b>-23,184</b>	<b>0%</b>
<b>Operating Expenses</b>					
Employee benefits	127,183	1,404,241	1,512,940	-108,699	-7%
Materials and services	21,076	620,688	712,785	-92,097	-13%
Depreciation and amortisation	32,607	334,491	353,250	-18,759	-5%
Finance Costs	4,026	68,107	69,543	-1,436	-2%
<b>Total operating costs</b>	<b>184,892</b>	<b>2,427,527</b>	<b>2,648,518</b>	<b>-220,991</b>	<b>-8%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-161,455</b>	<b>26,006,343</b>	<b>25,808,536</b>	<b>197,807</b>	<b>1%</b>
Capital grants and subsidies	0	2,672,211	170,751	2,501,460	1465%
Other capital income (expense)	0	-1,382	-34,100	32,718	-96%
<b>Net result for period</b>	<b>-161,455</b>	<b>28,677,172</b>	<b>25,945,187</b>	<b>2,731,985</b>	<b>11%</b>

**Comments**

**Employee benefits**

Under budget due to the timing of payroll transactions for the pay period ending 4 May.

**Materials and services**

The budget for COVID-19 expenses remains under budget in the second revision as an allowance has been retained to provide for possible future costs associated with the pandemic. Council operational is also under budget due to the timing of expenditure.

**Capital grants and subsidies**

Funding received in March for Local Roads and Community Infrastructure Grant. This funding, along with two payments for Works for Queensland have been receipted to Council Operational until they can be allocated to match actual expenditure at 30 June.

**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Operations - General Fund**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	12,498	144,221	137,400	6,821	5%
Operational contributions and donations	3,318	62,938	47,806	15,133	32%
Operational grants and subsidies	22,781	735,352	1,024,742	-289,390	-28%
Contract and recoverable works	0	60,029	51,750	8,279	16%
Other operating revenue	85	12,850	10,788	2,062	19%
<b>Total operating revenue</b>	<b>38,683</b>	<b>1,015,391</b>	<b>1,272,486</b>	<b>-257,095</b>	<b>-20%</b>
<b>Operating Expenses</b>					
Employee benefits	305,771	3,951,938	4,092,057	-140,119	-3%
Materials and services	412,977	3,543,828	3,704,382	-160,554	-4%
Depreciation and amortisation	68,405	695,634	699,833	-4,199	-1%
<b>Total operating costs</b>	<b>787,153</b>	<b>8,191,399</b>	<b>8,496,272</b>	<b>-304,873</b>	<b>-4%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-748,470</b>	<b>-7,176,009</b>	<b>-7,223,786</b>	<b>47,778</b>	<b>-1%</b>
Capital contributions	0	0	5,326	-5,326	-100%
Capital grants and subsidies	0	131,034	1,592,084	-1,461,050	-92%
Other capital income (expense)	0	-25,206	-95,077	69,871	-73%
<b>Net result for period</b>	<b>-748,470</b>	<b>-7,070,181</b>	<b>-5,721,453</b>	<b>-1,348,727</b>	<b>24%</b>

**Comments**

**User fees and charges**

Over year to date budget for cemetery permits.

**Operational contributions and donations**

Over year to date budget for contributions received for pump out of the septic system and caravan park dump point at Groper Creek.

**Operational grants and subsidies**

Currently under budget year to date for payment of claims relating to the January 2019, 2020 and 2021 monsoonal events from the Queensland Reconstruction Authority. Funds are received as claims are approved following completion of works, timing of revenue received can vary to the year to date budget estimate. Revenue received in the period relates to part payment of REPA Claim 6 for the January 2020 event.

**Capital contributions**

Under budget due to contribution for digital billboard not yet received.

**Capital grants and subsidies**

Currently under budget for Disaster Recovery Funding Arrangement (DRFA) grant funding. Funds are received as claims are approved and work is completed. Further funding will be received as work progresses.

**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Operations - Sewerage**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	0	3,979,172	4,000,000	-20,828	-1%
User fees and charges	0	440	440	0	0%
Interest Received	8,493	118,522	113,261	5,261	5%
Operational contributions and donations	0	5,000	6,000	-1,000	-17%
Other operating revenue	3,800	3,800	0	3,800	-
<b>Total operating revenue</b>	<b>12,293</b>	<b>4,106,935</b>	<b>4,119,701</b>	<b>-12,766</b>	<b>0%</b>
<b>Operating Expenses</b>					
Employee benefits	101,438	1,077,090	1,127,104	-50,014	-4%
Materials and services	95,500	853,022	849,869	3,154	0%
Depreciation and amortisation	115,474	1,152,857	1,156,417	-3,559	0%
<b>Total operating costs</b>	<b>312,412</b>	<b>3,082,970</b>	<b>3,133,389</b>	<b>-50,419</b>	<b>-2%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-300,119</b>	<b>1,023,965</b>	<b>986,312</b>	<b>37,653</b>	<b>4%</b>
 Capital grants and subsidies	 0	 24,727	 143,699	 -118,972	 -83%
Other capital income (expense)	0	-42,025	-98,015	55,990	-57%
<b>Net result for period</b>	<b>-300,119</b>	<b>1,006,667</b>	<b>1,031,996</b>	<b>-25,330</b>	<b>-2%</b>

**Comments**

**Interest Received**

Over budget for interest on rates and investments. This amount varies depending on the amount of rates outstanding and when investments mature.

**Operational contributions and donations**

Year to date income received is made up of developer contributions toward the provision of trunk sewerage infrastructure for a multi-unit development. The budget is based on historical annual averages and can vary to budget depending on developer activity.

**Other operating revenue**

Unbudgeted revenue received for the installation of two new sewerage connections to a property in Home Hill.

**Capital grants and subsidies**

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



**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Operations - Water**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	-28	3,626,623	3,628,421	-1,798	0%
User fees and charges	1,262	66,733	71,000	-4,267	-6%
Interest Received	6,662	87,279	81,337	5,942	7%
Operational contributions and donations	0	5,000	4,500	500	11%
Other operating revenue	0	0	500	-500	-100%
<b>Total operating revenue</b>	<b>7,896</b>	<b>3,785,636</b>	<b>3,785,758</b>	<b>-122</b>	<b>0%</b>
<b>Operating Expenses</b>					
Employee benefits	97,960	945,806	967,461	-21,654	-2%
Materials and services	81,280	1,517,078	1,691,411	-174,333	-10%
Depreciation and amortisation	58,289	574,097	575,750	-1,653	0%
<b>Total operating costs</b>	<b>237,528</b>	<b>3,036,981</b>	<b>3,234,622</b>	<b>-197,641</b>	<b>-6%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-229,632</b>	<b>748,654</b>	<b>551,136</b>	<b>197,518</b>	<b>36%</b>
Capital contributions	0	1,888	0	1,888	-
Capital grants and subsidies	0	0	1,935,782	-1,935,782	-100%
Other capital income (expense)	0	-6,608	-58,338	51,730	-89%
<b>Net result for period</b>	<b>-229,632</b>	<b>743,934</b>	<b>2,428,580</b>	<b>-1,684,646</b>	<b>-69%</b>

**Comments****User fees and charges**

Under budget for property connections revenue.

**Interest Received**

Over budget for interest on rates and investments. This amount varies depending on the amount of rates outstanding and when investments mature.

**Materials and services**

Under budget year to date due to electricity consumption savings and treatment costs as a result of recent wet weather.

**Capital grants and subsidies**

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



**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Planning and Development**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	40,206	502,840	449,704	53,136	12%
Operational grants and subsidies	39,200	38,852	40,000	-1,148	-3%
Other operating revenue	33	144	0	144	-
<b>Total operating revenue</b>	<b>79,439</b>	<b>541,836</b>	<b>489,704</b>	<b>52,131</b>	<b>11%</b>
<b>Operating Expenses</b>					
Employee benefits	73,403	887,658	949,709	-62,051	-7%
Materials and services	23,755	177,101	218,137	-41,036	-19%
<b>Total operating costs</b>	<b>97,158</b>	<b>1,064,760</b>	<b>1,167,846</b>	<b>-103,086</b>	<b>-9%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-17,719</b>	<b>-522,924</b>	<b>-678,142</b>	<b>155,218</b>	<b>-23%</b>
<b>Net result for period</b>	<b>-17,719</b>	<b>-522,924</b>	<b>-678,142</b>	<b>155,218</b>	<b>-23%</b>

**Comments**

**User fees and charges**

Building and Plumbing application fees received during April were slightly higher than budget. Income from fees and charges is expected to reduce in the lead up to 30 June 2021.

**Employee benefits**

Under budget due to the timing of payroll transactions for the pay period ending 4 May.

**Materials and services**

Under budget due to CHAS payments not being finalised. Phase 8 including Strategic Plan completed end of April. It is expected this project will be finalised by the end of May 2021.

**OPERATING STATEMENT**  
**Period Ending 30 April 2021**

**Manager Technical Services**

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	22,137	247,288	231,579	15,709	7%
Operational grants and subsidies	11,114	95,293	105,000	-9,707	-9%
Contract and recoverable works	193,197	1,061,145	1,260,000	-198,855	-16%
Other operating revenue	227	33,498	36,073	-2,575	-7%
<b>Total operating revenue</b>	<b>226,675</b>	<b>1,437,224</b>	<b>1,632,652</b>	<b>-195,428</b>	<b>-12%</b>
<b>Operating Expenses</b>					
Employee benefits	165,681	1,803,755	2,001,494	-197,739	-10%
Materials and services	-66,154	-592,688	-655,885	63,197	-10%
Depreciation and amortisation	598,552	5,979,314	5,947,667	31,648	1%
<b>Total operating costs</b>	<b>698,079</b>	<b>7,190,381</b>	<b>7,293,275</b>	<b>-102,895</b>	<b>-1%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-471,404</b>	<b>-5,753,157</b>	<b>-5,660,623</b>	<b>-92,533</b>	<b>2%</b>
<b>Capital contributions</b>	<b>0</b>	<b>35,599</b>	<b>0</b>	<b>35,599</b>	<b>-</b>
Capital grants and subsidies	0	1,664,506	3,964,768	-2,300,262	-58%
Other capital income (expense)	11,508	-494,295	-799,282	304,987	-38%
<b>Net result for period</b>	<b>-459,895</b>	<b>-4,547,347</b>	<b>-2,495,137</b>	<b>-2,052,210</b>	<b>82%</b>

**Comments**

**User fees and charges**

Over year to date budget for Trade Waste income.

**Operational grants and subsidies**

Fuel tax credits received under budget. Monthly fuel tax credit varies based on fuel consumption.

**Contract and recoverable works**

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

**Other operating revenue**

Under budget due to minimal sales of small plant items year to date.

**Employee benefits**

Under budget due to vacant positions and capitalised wages for design projects. One vacant position has been filled with a contractor and the expenses for this position are being capitalised for design of projects.

**Materials and services**

Materials and Services are over budget due to plant hire recoveries being under budget.

**Capital contributions**

Unbudgeted recognition of capital contribution received last financial year for purchase of vehicle this financial year.

**Capital grants and subsidies**

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

**Other capital income (expense)**

Disposal of transport assets

**BURDEKIN SHIRE COUNCIL**  
**OPERATING STATEMENT**  
Period Ending 30 April 2021

Appendix 2

	Month of April Actual	Year to Date Actual	Revised Budget	Year to Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>						
Rates and Utility Charges	-29	39,206,306	40,206,484	39,251,749	-45,443	0%
Pensioner remissions	0	-345,386	-342,738	-342,738	-2,648	1%
User fees and charges	215,264	2,279,538	2,622,348	2,215,620	63,919	3%
Interest Received	34,929	483,392	505,800	465,748	17,644	4%
Operational contributions and donations	6,047	181,001	234,325	185,259	-4,258	-2%
Operational grants and subsidies	107,850	2,095,994	2,999,528	2,388,971	-292,978	-12%
Contract and recoverable works	193,197	1,121,174	1,829,000	1,311,750	-190,576	-15%
Other operating revenue	34,090	387,344	515,002	413,125	-25,781	-6%
<b>Total operating revenue</b>	<b>591,348</b>	<b>45,409,363</b>	<b>48,569,749</b>	<b>45,889,484</b>	<b>-480,121</b>	<b>-1%</b>
<b>Operating Expenses</b>						
Employee benefits	1,648,226	16,979,886	21,391,894	17,830,152	-850,266	-5%
Materials and services	1,285,052	12,574,338	16,734,558	13,771,965	-1,197,628	-9%
Depreciation and amortisation	1,041,079	10,449,570	12,542,600	10,452,167	-2,596	0%
Finance Costs	154,049	218,130	76,402	69,543	148,587	214%
<b>Total operating costs</b>	<b>4,128,405</b>	<b>40,221,924</b>	<b>50,745,454</b>	<b>42,123,826</b>	<b>-1,901,902</b>	<b>-5%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-3,537,057</b>	<b>5,187,439</b>	<b>-2,175,705</b>	<b>3,765,658</b>	<b>1,421,781</b>	<b>38%</b>
Capital contributions	0	37,487	5,326	5,326	32,161	604%
Capital grants and subsidies	0	4,557,794	9,394,833	9,375,808	-4,818,014	-51%
Other capital income (expense)	126,380	-562,028	-3,257,310	-1,313,082	751,054	-57%
<b>Net result for period</b>	<b>-3,410,677</b>	<b>9,220,692</b>	<b>3,967,144</b>	<b>11,833,710</b>	<b>-2,613,018</b>	<b>-22%</b>



**BURDEKIN SHIRE COUNCIL**  
**STATEMENT OF FINANCIAL POSITION**  
**As at 30 April 2021**

Appendix 3

	Year to Date Actual \$	Annual Budget \$
<b>Current Assets</b>		
Cash and Cash Equivalents	67,773,580	58,441,225
Receivables	1,757,907	1,955,570
Inventories	581,186	524,225
Contract Assets	346,224	146,711
Other Assets	373,074	1,683,350
<b>Total Current Assets</b>	<u>70,831,971</u>	<u>62,751,081</u>
<b>Non-Current Assets</b>		
Receivables	429,460	381,253
Property, Plant and Equipment	542,279,425	540,685,952
Intangibles Assets	546,355	479,893
Other Assets	59,632	0
<b>Total Non-Current Assets</b>	<u>543,314,872</u>	<u>541,547,098</u>
<b>TOTAL ASSETS</b>	<u>614,146,843</u>	<u>604,298,179</u>
<b>Current Liabilities</b>		
Payables	1,880,183	5,654,325
Provisions	5,545,865	5,702,147
Contract Liabilities	3,486,765	278,243
Other Liabilities	93,926	2,714
<b>Total Current Liabilities</b>	<u>11,006,739</u>	<u>11,637,429</u>
<b>Non-Current Liabilities</b>		
Provisions	18,573,872	20,452,009
<b>Total Non-Current Liabilities</b>	<u>18,573,872</u>	<u>20,452,009</u>
<b>TOTAL LIABILITIES</b>	<u>29,580,611</u>	<u>32,089,438</u>
<b>NET COMMUNITY ASSETS</b>	<u>584,566,232</u>	<u>572,208,741</u>
<b>Community Equity</b>		
Asset Revaluation Surplus	322,683,459	315,584,389
Retained Surplus (deficiency)	261,882,773	256,624,352
<b>TOTAL COMMUNITY EQUITY</b>	<u>584,566,232</u>	<u>572,208,741</u>



**BURDEKIN SHIRE COUNCIL  
STATEMENT OF CASH FLOWS  
For Period Ending 30 April 2021**

Appendix 4

	Year to Date Actual \$	Annual Cashflow Budget \$
<b>Cash Flows from Operating Activities</b>		
<b>Receipts</b>		
Receipts from Customers	45,665,078	44,830,096
Operating Grants, Subsidies and Contributions	2,276,995	3,358,744
Interest Received	520,610	505,800
<b>Payments</b>		
Payments to Suppliers and Employees	-35,011,750	-37,980,649
Interest Expense	-4,402	-4,402
<b>Net Cash Inflow (Outflow) from Operating Activities</b>	<u>13,446,531</u>	<u>10,709,589</u>
<b>Cash Flows from Investing Activities</b>		
Commonwealth Government Grants	1,360,203	0
State Government Subsidies and Grants	3,197,591	9,394,833
State Government Subsidies and Grants arising from Contract Assets and Liabilities	21,762	-3,112,139
Capital Contributions	37,487	5,326
Payments for Property, Plant and Equipment	-13,193,142	-21,730,760
Payments for Intangible Assets	-151,642	-151,097
Net transfer (to) from Cash Investments	0	0
Proceeds from Sale of Property, Plant and Equipment	35,137	345,000
Net Movement in Loans to Community Organisations	710	-38,470
<b>Net Cash Inflows (Outflow) from Investing activities</b>	<u>-8,691,894</u>	<u>-15,287,307</u>
<b>Cash Flows from Financing Activities</b>		
Repayment of Borrowings	-346,051	-346,051
<b>Net Cash Inflows (Outflow) from Financing activities</b>	<u>-346,051</u>	<u>-346,051</u>
<b>Net Increase (Decrease) in Cash and Cash Equivalents Held</b>	<u>4,408,586</u>	<u>-4,923,769</u>
Cash and Cash Equivalents at Beginning of the Financial Year	63,364,994	63,364,994
<b>Cash and Cash Equivalents at end of the Period</b>	<u><u>67,773,580</u></u>	<u><u>58,441,225</u></u>

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## 5.4 GOVERNANCE

## 6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

### 6.1 ENVIRONMENTAL AND HEALTH SERVICES

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

**File Reference** 414

**Report Author** Ms. Stevie Moffat – Governance Support Officer

**Authoriser** Mr. Dan Mulcahy – Manager Environmental and Health Services

**Meeting Date** 25 May 2021

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

Burdekin Shire Council Corporate Plan 2017-2022

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

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### **Executive Summary**

Council has commenced the local law making process to propose amendments to *Local Law No. 3 (Community and Environmental Management) 2012* and *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*. The proposed amendments 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.

This report outlines how to proceed with the local law making process previously adopted by Council and resolve to proceed with the making of, and actually make *Community and Environmental Management (Amendment) Local Law No. 1 2021* and *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021*.

### **Recommendation**

1. That Council resolves to implement each recommendation of the public interest test report (attached) about *Community and Environmental Management (Amendment) Local Law (No. 1) 2021* and *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021*;
2. That Council resolves:
  - (a) to proceed with the making of, and make, each of *Community and Environmental Management (Amendment) Local Law (No. 1) 2021* and *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021* as advertised; and

- (b) pursuant to section 32 of the *Local Government Act 2009*, to adopt a consolidated version of each of *Local Law No. 3 (Community and Environmental Management) 2012* and *Subordinate Local Law No. 3 (Community and Environmental Management) 2012* in the form attached to this report to Council.

## Background

Council at its Ordinary Meeting held on 23 February 2021 resolved to propose to make *Community and Environmental Management (Amendment) Local Law (No. 1) 2021* and *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021*, and delegate power to the Chief Executive Officer under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to decide on and conduct public interest testing.

The proposed amendments 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.

Council has since conducted a public interest test in relation to the likely anti-competitive provisions. Relevant State departments were contacted during this process inviting submissions regarding the overall state interest in the proposed local law. A summary of the responses are detailed below:

Relevant State Department	Response
Department of Justice & Attorney General	No response received
Department of Agriculture & Fisheries	Response received – attached
Department of State Development, Infrastructure, Local Government & Planning	Response received – attached
Department of Environment & Science	No response received
Department of Health	No response received
Department of Energy & Public Works	Response received after consultation concluded – attached

Council also contacted other relevant stakeholders as part of the public interest test, namely local real estate business' and Chamber of Commerce, to which no response was received by Council.

Following consultation with the relevant State departments and consideration of any submissions received, Council conducted public consultation inviting submissions in relation to the proposed local law and subordinate local law. This included a Public Notice published on Council's corporate website and Facebook page, in Burdekin Local News and the Townsville Bulletin. A total of three (3) properly made submissions were received by Council during the consultation period, summarised below:

Respondent	Response
Respondent 1	In support of the proposed local law and subordinate local law – attached
Respondent 2	In support of the proposed local law and subordinate local law – attached
Respondent 3	In support of the proposed local law and subordinate local law – attached

No amendments are proposed as a direct consequence of the undertaking of the state and public consultation process. Council is now in a position to implement the recommendations of the public interest test report (attached), make the proposed local and subordinate local law (attached), and adopt consolidated versions of the local and subordinate local law (attached).

---

Once the recommendation is adopted by Council, the following will be undertaken by Council Officer's:

- a. Advise the public that Council has made the proposed local law and subordinate local law by publishing the notice in the gazette and on Council's corporate website; and
- b. Write to the Minister with a copy of the notice, certified copy of the consolidated local law and subordinate local law and public interest test report.

The local law and subordinate local law will commence on the date on which notice of the making of same is published in the gazette.

### **Consultation**

Discussion at Council Workshops held on 18 August 2020, 6 October 2020, 8 December 2020 and 2 February 2021.

Discussion at Ordinary Council Meeting held on 27 October 2020 and 23 February 2021.

Legal advice obtained from King & Company Solicitors.

Consultation inviting submissions with six (6) relevant State departments, local real estate agents and Chamber of Commerce.

Public consultation for a period of 21 days (Thursday, 8 April 2021 to Thursday, 29 April 2021), including:

Public Notice published in Burdekin Local News on Thursday, 8 April 2021 and Townsville Bulletin - Burdekin Shire Update section on Friday, 9 April 2021.

Public Notice displayed on Burdekin Shire Council public notice boards.

Consultation page on Burdekin Shire Council corporate website, including copies of the proposed local law and subordinate local law, public interest test plan and survey.

Facebook post shared on Burdekin Shire Council corporate Facebook page on Thursday, 9 April 2021 inviting submissions.

### **Budget & Resource Implications**

If adopted, fees estimated to be approximately \$264.06 (ex. GST) for publication in Local Government Gazette.

### **Legal Authority & Implications**

Legal Authority:

*Local Government Act 2009* (Qld) s 29B, 31, 32, 38 and 257.

*Local Government Regulation 2012* (Qld) s 14, 15.

*Statutory Instruments Act 1992* (Qld) s 32.

Legal Implications:

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

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



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## Policy Implications

Not Applicable.

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

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

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

Further, failure to implement the recommendations in accordance with the abovementioned legal authorities and within the required timeframes may also place Council in a litigious situation.

## Attachments

1. Submissions – State Interest Check.
2. Submissions – Public Consultation.
3. Draft Public Notice – Council Website.
4. Draft Public Notice – Gazette.
5. Draft Letter to Minister.
6. Final Consolidated *Local Law No. 3 (Community and Environmental Management) 2012*.
7. Final Consolidated *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.
8. Final *Community and Environmental Management (Amendment) Local Law (No. 1) 2021*.
9. Final *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021*.
10. Public Interest Test Plan.
11. Public Interest Test Report.



Queensland  
Government

Department of  
Agriculture and Fisheries

Our ref: CTS 04865/21  
Your ref: Burdekin Shire

The Chief Executive Officer  
Burdekin Shire council  
PO Box 974  
AYR QLD 4807

Dear Sir

Thank you for your letter of 8 March 2021 regarding consultation on Councils proposed local law "Community and Environmental Management (Amendment) Local Law (no 1) 2021".

The Local Law amendment has been passed to me for comment.

It is evident that the proposed amendment is principally for buildings in the commercial, industrial and residential areas of the shire and so has limited applicability to the Department's state interests. However, the correspondence indicates that section 21A of the proposed local law enables a local government to declare the whole or part of its area to be a designated area and section 21B describes the criteria on which a building can be assessed.

The Department supports and encourages safe working conditions, but in some rural areas, sheds are not painted and often dirty in appearance (possibly from Iron in irrigation water) so the Department raises the issue as to whether a policy in relation to the designation of areas is required especially rural areas.

9-15 Langton Street, Townsville  
PO Box 1085, Townsville  
Queensland 4001, Australia  
Business Centre 13 25 23  
Website [www.daf.qld.gov.au](http://www.daf.qld.gov.au)  
ABN 65 934 348 189

Document Set ID: 1637035  
Version: 1, Version Date: 19/03/2021

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If you have any queries in relation to the content, please contact me, Peter Elliot, Principal Planning Officer, North Region on phone [REDACTED] or email: [REDACTED]

Yours sincerely



Peter Elliot  
**Principal Planning Officer**  
**Regional Economic Development (North)**

9-15 Langton Street Townsville  
PO Box 1085 Townsville  
Queensland 4001 Australia  
Business Centre 13 25 23  
Website [www.daf.qld.gov.au](http://www.daf.qld.gov.au)  
ABN 66 934 348 189



Department of  
**State Development, Infrastructure,  
Local Government and Planning**

Our ref: DGC21/238

Your ref: 414 SBM

25 March 2021

Mr Dan Mulcahy  
Manager Environmental and Health Services  
Burdekin Shire Council  
enquiries@burdekin.qld.gov.au

Dear Mr Mulcahy

Thank you for your letter of 8 March 2021 to Mr Damien Walker, Director-General, Department of State Development, Infrastructure, Local Government and Planning (the department) requesting a state interest check of proposed Community and Environmental Management (Amendment) Local Law (No. 1) 2021.

The department has completed its review of the proposed local law and has not identified any matters of adverse impact on state interests relevant to the State Development, Infrastructure, Local Government and Planning portfolios.

If you require any further information, please contact Mrs Jenny Kennedy, Senior Advisor, Local Government Division, in the Department of State Development, Infrastructure, Local Government and Planning, by telephone on [REDACTED] or by email at [REDACTED], who will be pleased to assist.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Blagoev".

Bronwyn Blagoev  
**Executive Director  
Local Government Division**

1 William Street  
Brisbane Qld 4000  
PO Box 15009 City East  
Queensland 4002 Australia  
**Telephone** 13 QGOV (13 74 68)  
**Website** [www.dsdlgp.qld.gov.au](http://www.dsdlgp.qld.gov.au)  
**ABN** 29 230 178 530



**From:** "Lily Chiang" [REDACTED]  
**Sent:** Wed, 7 Apr 2021 13:03:06 +1000  
**To:** "RES: Mailbox - Email Registration" <EmailRegistration@burdekin.qld.gov.au>  
**Cc:** "Joanne Hampson" [REDACTED]; "Deirdre Gin" [REDACTED]  
**Subject:** Burdekin Shire Council - Consultation about State Interest  
**Attachments:** Consultation State Interest Check - Burdekin Shire Council.pdf

**Attention: Dan Mulcahy, Manager Environmental and Health Services**

Dear Dan

Our apologies for the delay in responding to your letter.

I refer to Burdekin Shire Council's letter dated 8 March 2021 in relation to Consultation about the Overall State interest in relation to the following proposed local law:

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

The Department of Energy and Public Works does not have any comments to make regarding the proposed local law.

Thank you for consulting with the department.

Many thanks  
Lily



**Lily Chiang**  
Director – Property Law  
**Legal Services | Corporate Services**  
Department of Energy and Public Works

[REDACTED]  
Level 2, AM60, 60 Albert Street, Brisbane Q 4000 | GPO Box 2457 Brisbane Q 4001

This email may contain legal advice which is confidential and is subject to legal professional privilege. Reference to the existence and content of this legal advice may result in waiver of the privilege. Please do not refer to or quote from this advice outside the department without approval from Legal Services.

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---

**From:** digital@lgaq.asn.au  
**Sent:** Thu, 8 Apr 2021 08:28:46 +1000  
**To:** "RES: Mailbox - Email Registration" <EmailRegistration@burdekin.qld.gov.au>  
**Subject:** Community and Environmental Management (Amendment) Local Law (No. 1)  
2021 Community Consultation - 08/04/2021 08:28:46

Hi,

Please register and action this online form from the Council's website.

### Response Details

Below is a record of the details provided:

### Page: Personal Details

First Name: [REDACTED]  
Surname: [REDACTED]  
Postal Address

- Address Line 1: [REDACTED]
- Address Line 2: [REDACTED]
- City/Town: Ayr
- State: QLD
- Post Code 4807

Email

- Email: [REDACTED]

### Page: Your Response

Are you responding as a: Property owner

If you are responding as a property owner or tenant/lessee, is the property parcel within the 'Designated Areas' Map? Unsure

Do you support the proposed amendments? Yes

Why or why not? If it is due to potential risk to health and safety then yes something should be done. If it is just because it does not look pretty compared to other houses no

What facts or circumstances support your decision? I think about what would I want if it was myself or my children being put at risk

Do you have any further submissions or comments? No

### Reference Details

- 
- Reference Number: 65115
  - Submission Date and Time: 08/04/2021 08:28:46

Thanks

---

**From:** digital@lgaq.asn.au  
**Sent:** Sun, 11 Apr 2021 14:39:19 +1000  
**To:** "RES: Mailbox - Email Registration" <EmailRegistration@burdekin.qld.gov.au>  
**Subject:** Community and Environmental Management (Amendment) Local Law (No. 1)  
2021 Community Consultation - 11/04/2021 14:39:19

Hi,

Please register and action this online form from the Council's website.

### Response Details

Below is a record of the details provided:

### Page: Personal Details

First Name: [REDACTED]  
Surname: [REDACTED]  
Postal Address

- Address Line 1: [REDACTED]
- Address Line 2: [REDACTED]
- City/Town: Home Hill
- State: QLD
- Post Code 4806

Email

- Email: [REDACTED]

### Page: Your Response

Are you responding as a: Property owner

If you are responding as a property owner or tenant/lessee, is the property parcel within the 'Designated Areas' Map? Unsure

Do you support the proposed amendments? Yes

Why or why not? Keep the community alive

What facts or circumstances support your decision? Too much loss in the area

Do you have any further submissions or comments? No

### Reference Details

- Reference Number: 65433
- Submission Date and Time: 11/04/2021 14:39:19



---

**From:** digital@lgaq.asn.au  
**Sent:** Mon, 12 Apr 2021 21:37:13 +1000  
**To:** "RES: Mailbox - Email Registration" <EmailRegistration@burdekin.qld.gov.au>  
**Subject:** Community and Environmental Management (Amendment) Local Law (No. 1)  
2021 Community Consultation - 12/04/2021 21:37:12

Hi,

Please register and action this online form from the Council's website.

### Response Details

Below is a record of the details provided:

### Page: Personal Details

First Name: [REDACTED]

Surname: [REDACTED]

Postal Address

- Address Line 1: [REDACTED]
- City/Town: Ayr
- State: QLD
- Post Code 4807

Email

- Email: [REDACTED]

### Page: Your Response

Are you responding as a: Community member

Do you support the proposed amendments? Yes

Why or why not? No

What facts or circumstances support your decision? No

Do you have any further submissions or comments? No

### Reference Details

- Reference Number: 65637
- Submission Date and Time: 12/04/2021 21:37:12

Thanks

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NOTICE OF MAKING OF LOCAL LAW FOR PUBLICATION ON COUNCIL'S WEBSITE

*Local Government Act 2009*

Burdekin Shire Council (Making of Local Law) Website Notice (No. 1) 2021

**Making of local law**

1. Burdekin Shire Council (the "Council") has, by resolution dated the                      day of                      2021, made each of:-
  - (a) *Community and Environmental Management (Amendment) Local Law (No. 1) 2021*; and
  - (b) *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021*.

**Local law amended**

2. *Community and Environmental Management (Amendment) Local Law (No. 1) 2021* amends *Local Law No.3 (Community and Environmental Management) 2012*.
3. *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021* amends *Subordinate Local Law No.3 (Community and Environmental Management) 2012*.

**Authorising local law**

4. *Local Law No. 3 (Community and Environmental Management) 2012* authorises the making of *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021*.

**Purpose and general effect**

5. The purpose and general effect of:-
  - (a) *Community and Environmental Management (Amendment) Local Law (No. 1) 2021* is to provide for the regulation of the maintenance of the appearance of buildings in designated areas so that the appearance of a building in a designated area does not detract from the appearance of other buildings in the designated area; and
  - (b) *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021* is to:-
    - (i) prescribe requirements for community safety hazards, and in particular, a building or structure on premises the construction, design, or state of repair of which is dangerous or attracts vermin, or has caused, or is, in the opinion of an authorised person, likely to cause personal injury, property damage or a negative impact on the amenity of the surrounding area; and
    - (ii) designate an area for the purposes of the building appearance provisions in *Community and Environmental Management (Amendment) Local Law (No. 1) 2021*.

**Anti-competitive provision**

6. Each of *Community and Environmental Management (Amendment) Local Law (No. 1) 2021* and *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021* contains an anti-competitive provision.

---

### Consolidated version of local law

7. Council has, by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_ 2021, adopted a consolidated version of each of:-
- (a) *Local Law No. 3 (Community and Environmental Management) 2012*; and
  - (b) *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.

### Inspection

8. Copies of each of *Community and Environmental Management (Amendment) Local Law (No. 1) 2021*, *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021* and the consolidated versions of each of *Local Law No. 3 (Community and Environmental Management) 2012* and *Subordinate Local Law No. 3 (Community and Environmental Management) 2012* may be:-
- (a) inspected and purchased at Council's public office at (*insert address*); and
  - (b) viewed by the public on the website of the Department of Local Government.

---

DRAFT PUBLIC NOTICE (GAZETTE)

*Local Government Act 2009*

Burdekin Shire Council (Making of Local Law) Notice (No. 1) 2021

**Title**

1. This notice may be cited as *Burdekin Shire Council (Making of Local Law) Notice (No. 1) 2021*.

**Commencement**

2. This notice commences on the date it is published in the gazette.

**Making of local law**

3. Burdekin Shire Council (the “Council”) has, by resolution dated the                      day of                      2021, made each of *Community and Environment Management (Amendment) Local Law (No. 1) 2021* and *Community and Environment Management (Amendment) Subordinate Local Law (No. 1) 2021*.

**Local law amended**

4. *Community and Environmental Management (Amendment) Local Law (No. 1) 2021* amends *Local Law No. 3 (Community and Environmental Management) 2012*.
5. *Community and Environment Management (Amendment) Subordinate Local Law (No. 1) 2021* amends *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.



---

ON COUNCIL LETTERHEAD

*Insert date*

Hon Steven Miles  
Minister for Local Government  
PO Box 15009  
CITY EAST QLD 4002

By email: [deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)

**LOCAL LAW REVIEW  
NOTICE OF NEW LOCAL LAW  
SECTION 29B(7) OF THE LOCAL GOVERNMENT ACT 2009**

1. Council has recently published notice in the gazette of the making of a local law and a subordinate local law.
2. As required by section 29B(7) of the *Local Government Act 2009*, we **enclose**, for the Minister's records:-
  - (a) a copy of the notice about the making of the local law and subordinate local law which Council has prepared and published in accordance with the requirements of section 29B(1) to (3) inclusive of the *Local Government Act 2009*; and
  - (b) a certified copy of each of the local law and the subordinate local law identified in the notice (both electronically and in hard copy).
3. Each of the local law and the subordinate local law contain anti-competitive provisions. Council has complied with the procedures prescribed under a regulation for the review of those anti-competitive provisions.
4. We accordingly **enclose**, for the records of the Minister, a public interest test report about the local law and the subordinate local law.
5. Pursuant to section 32 of the Act, Council has also adopted, and we accordingly **enclose**, for the Minister's records:-
  - (a) a certified copy of a consolidated version of *Local Law No. 3 (Community and Environmental Management) 2012*; and
  - (b) a certified copy of a consolidated version of *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.

Please contact the writer if you have any queries.

Yours faithfully

.....  
*Insert name of Council*

Letter to Minister on Council Letterhead.DOCX

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

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2012*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
  - (a) inadequate protection against animal and plant pests; and
  - (b) vegetation overgrowth; and
  - (c) visual pollution resulting from accumulation of objects and materials; and
  - (d) fires and fire hazards not regulated by State law; and
  - (e) community safety hazards; and
  - (f) noise that exceeds noise standards.
- (3) The purpose is also to be achieved by providing for the regulation of the maintenance of the appearance of buildings in designated areas so that the appearance of a building in a designated area does not detract from the appearance of other buildings in the designated area.

### 3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2012*.

## Part 2 Declared local pests

### Division 1 Application

#### 5 Application of part

- (1) This part does not apply to—
  - (a) an animal or plant that is a declared pest under the *Land Protection (Pest*

---

<sup>1</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.



and Stock Route Management) Act 2002<sup>2</sup> or the Plant Protection Act 1989<sup>3</sup>;  
or

(b) noxious fisheries resources or diseased fisheries resources<sup>4</sup>.

(2) In this section—

**declared pest** see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.

**diseased fisheries resources** see the *Fisheries Act 1994*, section 94.

**noxious fisheries resources** see the *Fisheries Act 1994*, schedule.

## Division 2 Declaration of local pests

### 6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication.
- (4) In this section—

**chief executive** means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

### 7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication; and
  - (c) comes to an end three months after the date of publication.

<sup>2</sup> See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.

<sup>3</sup> See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

<sup>4</sup> See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

- (4) In this section—

**environmental harm** see *Environmental Protection Act 1994*, section 14.

## 8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

## Division 3 Control of local pests

### 9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
  - (a) enter the property without the permission of the occupier; and
  - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
  - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
    - (i) of the reason for entering the property; and
    - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
  - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

### 10 Pest control notices

- (1) An authorised person may, by compliance notice<sup>5</sup> given to the owner of land, require the owner<sup>6</sup> to take specified action to control declared local pests.
- (2) The specified action may include action to—

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<sup>5</sup> See *Local Law No.1 (Administration) 2012*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

<sup>6</sup> See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (a) destroy declared local pests on the land; or
  - (b) minimise the risk of an outbreak of declared local pests on the land; or
  - (b) prevent or minimise seeding or reproduction by declared local pests; or
  - (c) contain infestation by declared local pests within a localised area; or
  - (d) reduce the density or extent of infestation by declared local pests; or
  - (e) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

## **Division 4 Prohibition of sale and propagation**

### **11 Prohibition on sale**

- (1) A person must not—
- (a) sell or supply a declared local pest; or
  - (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

*Example of a person that might be exempted from subsection (1) in relation to a specified pest—*

A person who offers leucaena (*Leucaena Leucocephala*) for sale in circumstances where the person grows the plant in compliance with the requirements of the Leucaena Growers' Code of Conduct.

### **12 Prohibition on introducing, propagating etc a declared local pest**

- (1) A person must not—
- (a) introduce, propagate or breed a declared local pest; or
  - (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

*Example of persons that might be exempted from subsection (1) in relation to specified pests—*

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

- (3) In this section—

**introduce** means to introduce, or cause to introduce, into the local government's area.

## Part 3 Overgrown and unsightly allotments

### 13 Overgrown allotments

- (1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—
  - (a) has seriously affected the visual amenity of the allotment; or
  - (b) is likely to attract or harbour reptiles or vermin.
- (2) The authorised person may, by compliance notice<sup>7</sup> given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.
- (3) However, the notice cannot prevent a use of land authorised under the Planning Act<sup>8</sup> or the *Environmental Protection Act 1994*.
- (4) In this section—

**vegetation** includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law<sup>9</sup> of the State or Commonwealth or under the local government's planning scheme.

### 14 Accumulation of objects and materials on allotments

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—
  - (a) have seriously affected the visual amenity of the allotment; or
  - (b) are likely to attract or harbour reptiles or vermin.

*Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—*

- Discarded or disused machinery or machinery parts.
  - Broken-down or severely rusted vehicles.
  - Discarded bottles, containers or packaging.
  - Refuse or scrap material.
- (2) The authorised person may, by compliance notice<sup>10</sup> given to the responsible person for the allotment, require the responsible person to—
    - (a) remove objects or materials that are causing the circumstance mentioned in

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<sup>7</sup> See footnote 5.

<sup>8</sup> See definition of *Planning Act* in the Act, schedule 4.

<sup>9</sup> For example, vegetation may be protected under the *Nature Conservation Act 1992*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

<sup>10</sup> See footnote 5.



subsection (1)(a) or (b); or

- (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

*Example of action that might be required under paragraph (b)—*

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

## Part 4 Fires and fire hazards

### 15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.<sup>11</sup>
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

*Example—*

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
- the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
- the fire is lit and extinguished within a specified time.

- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

### 16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.

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<sup>11</sup> See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

- (2) The authorised person may, by compliance notice<sup>12</sup> given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.<sup>13</sup>

- (3) In this section—

***fire hazard*** means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

*Examples of fire hazards for paragraph (a)—*

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

## Part 5 Community safety hazards

### 17 What is a community safety hazard

A ***community safety hazard*** is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

*Examples of a fence or structure that may be a community safety hazard for paragraph (a)—*

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

### 18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—

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<sup>12</sup> See footnote 5.

<sup>13</sup> See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

- (a) enter the property without the permission of the occupier; and
  - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
- (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
    - (i) of the reason for entering the property; and
    - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
  - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

## 19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice<sup>14</sup> given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
  - (a) remove the hazard; or
  - (b) reduce the level of risk to persons or property.

*Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—*

Securing objects or materials that may become airborne in periods of high wind.

## 20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

*Example of prescribed requirements—*

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
  - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

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<sup>14</sup> See footnote 5.

## Part 6 Noise standards

### 21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.<sup>15</sup>
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
  - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);<sup>16</sup> and
  - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.<sup>17</sup>

## Part 6A Building appearance

### Division 1 Application

#### 21A Application

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

### Division 2 Duty to maintain buildings

#### 21B Duty to maintain building appearance

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

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<sup>15</sup> See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

<sup>16</sup> See, however, *Local Law No. 1 (Administration) 2012*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

<sup>17</sup> Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.



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

*Example for subsection (2)(b)—*

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

## Division 3                      Enforcement

### 21C Show cause notice

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

- (c) take no further action about the show cause notice and give written notice to the owner about the decision.
- (5) Before taking action under subsection (4)(a) , the authorised person must give the owner written notice of the decision.
- (6) If the owner of a building is given a notice about a decision made under subsection (4)(a), the notice must include, or be accompanied by, an information notice.

## 21D Enforcement agreement

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

into under this section, a court may—

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

## Part 7                      Miscellaneous

### 22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;<sup>18</sup> or
- (b) lighting and maintaining of fires in the open;<sup>19</sup> or
- (c) fire hazards;<sup>20</sup> or
- (d) community safety hazards;<sup>21</sup> or
- (e) prescribed requirements relating to community safety hazards;<sup>22</sup> or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.<sup>23</sup>

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<sup>18</sup> See section 6(1).

<sup>19</sup> See section 15(2).

<sup>20</sup> See section 16(3)(b).

<sup>21</sup> See section 17(c).

<sup>22</sup> See section 20(1).

<sup>23</sup> See section 21(2).

## Schedule Dictionary

### Section 3

**allotment** means an individual parcel or piece of land.

**animal** means an organism (other than a human being) that is not a plant and includes eggs and semen.

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

**compliance notice** means a compliance notice mentioned in *Local Law No. 1 (Administration) 2012*, section 27.

**court** means the Magistrates Court.

**declared local pest** means a plant or animal declared to be a pest under section 6 or 7.

**designated area** see section 21A.

**enforcement agreement** see section 21D.

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

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

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

**plant** means vegetation of any type, including its flowers, roots, seeds and other parts.

**reasonable written notice** means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

**responsible person** means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

**show cause notice** see section 21C.

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

**the Act** means the *Local Government Act 2009*.

This and the preceding 14 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 3 (Community and Environmental Management) 2012* adopted in accordance with section 32 of the *Local Government Act 2009* by Burdekin Shire Council by resolution dated the                      day of                      2021.

.....  
Chief Executive Officer

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

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 3 (Community and Environmental Management) 2012*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
  - (a) declaration of local pests; and
  - (b) prohibition of lighting or maintaining certain fires; and
  - (c) declaration of fire hazards; and
  - (d) declaration of community safety hazards; and
  - (e) prescribed requirements for owners of land containing community safety hazards; and
  - (f) declaration of noise standards.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environmental Management) 2012* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

## Part 2 Declared local pests

### 5 Declaration of local pests—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

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**6 Persons exempted from selling a declared local pest— Authorising local law, s 11(2)**

For section 11(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 11(1) of the authorising local law in relation to selling or supplying a declared local pest or offering or displaying a declared local pest for sale or supply for the declared local pest mentioned in the corresponding part of column 2 of schedule 2.

**7 Persons exempted from introducing etc a declared local pest— Authorising local law, s 12(2)**

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 3 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 3.

**Part 3 Overgrown and unsightly allotments**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

**Part 4 Fires and fire hazards**

**8 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2)**

(1) This section applies to the following fires<sup>1</sup>—

- (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;
- (b) a fire lit for the purpose of burning the carcass of a beast;
- (c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;
- (d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.

(2) For section 15(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 4 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 4.

**9 Fire hazards—Authorising local law, s 16(3)(b)**

For section 16(3)(b) of the authorising local law, the following are declared to be fire hazards—

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<sup>1</sup> Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Rescue Service Act 2004*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire confirms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

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- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; and
  - (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
  - (c) dry vegetation that could be easily ignited or other flammable materials.

## **Part 5                      Community safety hazards**

### **10    Community safety hazards—Authorising local law, s 17(c)**

For section 17(c) of the authorising local law, the following are declared to be community safety hazards—

- (a) a plant on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (b) an act or omission on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (c) a dead animal on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (d) a disused well; and
- (e) a building or structure on premises the construction, design, or state of repair of which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area.

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**11 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)**

For section 20(1) of the authorising local law, a responsible person for a community safety hazard listed in column 1 of schedule 5 must meet the requirements prescribed in the corresponding part of column 2 of schedule 5.

**Part 6 Noise standards**

**12 Prescribed noise standards—Authorising local law, s 21(2)**

- (1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 6 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 6.
- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 6 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 6.

**Part 6A Designated area for building appearance provisions**

**13 Designated area for building appearance provisions**

For section 21A of the authorising local law—

- (a) each area indicated by a bold red line on a map in schedule 6A is declared to be a designated area; and
- (b) the boundaries of each designated area are indicated by a bold red line circumscribing the area on a map in schedule 6A.

**Part 7 Miscellaneous**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## Schedule 1      Declared local pests

Section 5

Column 1 Applicable part of local government's area		Column 2 Declared local pest
1.	Entire local government area.	Grader grass ( <i>Themeda quadrivalvis</i> ) Calotrope ( <i>Calotropis procera</i> ) Itch grass ( <i>Rottboelia cochinchinensis</i> ) Neem tree ( <i>Azadirachta indica</i> )
2.	<p>(a) Each part of the local government's area which is an environmentally significant area (as defined in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>).</p> <p>(b) Each aquatic water body which is the subject of a current Lagoon Management Agreement.</p>	Aleman grass ( <i>Echinochloa polystachya</i> )
3.	<p>(a) Each part of the local government's area which is an environmentally significant area (as defined in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>).</p> <p>(b) Within 20m of any external boundary of land other than a local government controlled area or a road.</p>	Leucaena ( <i>Leucaena leucocephala</i> )

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## Schedule 2      Persons exempted from offence of selling etc declared local pest

Section 6

Column 1 Exempt person	Column 2 Declared local pest
Each responsible person for land who grows leucaena ( <i>Leucaena leucocephala</i> ) on the land in compliance with the requirements of the Leucaena Growers Code of Conduct.	Leucaena ( <i>Leucaena leucocephala</i> ).



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## Schedule 3      Persons exempted from offence of introducing etc declared local pest

Section 7

Column 1 Exempt person	Column 2 Declared local pest
Each responsible person for land who grows leucaena ( <i>Leucaena leucocephala</i> ) on the land in compliance with the requirements of the Leucaena Growers Code of Conduct.	Leucaena ( <i>Leucaena leucocephala</i> ).

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## Schedule 4      Prohibited fires

Section 8(2)

	<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Prohibited fire</b>
1	Entire local government area	A fire lit out-doors, unless the fire is enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
2	Local government controlled areas	A fire that is not in a fireplace or barbeque constructed by the local government.

## Schedule 5 Prescribed requirements for community safety hazards

Section 11

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible person
1	Barbed wire fencing	<ul style="list-style-type: none"> <li>(a) Fencing not to be installed along a boundary adjoining a public park;</li> <li>(b) Barbed wire to be used in urban areas only in a security fence with the barbed wire to be more than 2 metres off the ground.</li> </ul>
2	Electric fencing	<ul style="list-style-type: none"> <li>(a) Fencing installed in an urban area that adjoins any road or public land to have warning signs of a size that can be read from a distance of 5 metres and fixed at 5 metre intervals along the fence;</li> <li>(b) Fencing installed in an urban area must be situated at least 1500mm from a fence located on or within the boundary of the premises OR such that if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched is at least 2000 mm in height;</li> <li>(c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</li> <li>(d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</li> </ul>
3	Roof sheeting, guttering, sheet metal, fencing and other materials that may become airborne during high winds	Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds or removed and disposed of at a facility which is designed for the disposal of the materials.

4	Any fencing which adjoins a local government controlled area and is, because of its nature or its position, a significant risk of causing injury to a person (other than barbed wire fencing or electric fencing)	The fencing must be constructed and maintained so as not to cause or pose a risk of causing injury to a person.
5	Vegetation which overhangs a local government controlled area which, because of its nature or its position, poses a significant risk of causing injury to a person	The vegetation must be trimmed or removed to an extent that the vegetation does not pose a risk of causing injury to a person.
6	A disused well	The disused well must be filled in, barricaded or otherwise made safe.
7	<p>A building or structure on premises the construction or design of which has caused, or is, in the opinion of an authorised person, likely to cause—</p> <p>(a) personal injury or property damage; or</p> <p>(b) a negative impact on the amenity of the surrounding area, for example, a building or structure with unsealed or non-existent undersides of awnings, eaves or soffits which allow birds, including pigeons, to roost in the awnings, eaves or soffits and discharge bird droppings on the footpath beneath the awnings, eaves or soffits.</p>	<p>The underside of the awnings, eaves or soffits must be sealed, or other preventative measures or action undertaken, so that birds, including pigeons, are not able to roost, or discharge droppings on, the footpath beneath the awnings, eaves or soffits, for example, the installation of stainless steel anti-roosting spikes.</p>
8	<p>A building or structure on premises the state of repair of which has caused, or is, in the opinion of an authorised person, likely to cause—</p> <p>(a) personal injury or property damage; or</p> <p>(b) a negative impact on the amenity of the surrounding area, for example, a building or structure with missing or damaged louvres, windows or roof tiles which allow birds, including pigeons, to enter, and roost in, the building or structure.</p>	<p>The responsible person must undertake preventative measures or action so the state of repair of the building or structure does not cause, or be likely to cause—</p> <p>(a) personal injury or property damage; or</p> <p>(b) a negative impact on the amenity of the surrounding area, for example, by the repair or replacement of all missing and damaged louvres, windows and roof tiles so that birds, including pigeons, are not able to enter, and roost in, the building or structure.</p>

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## Schedule 6      Prescribed noise standards

Section 11

<b>Column 1</b> <b>Section of the</b> <b><i>Environmental</i></b> <b><i>Protection Act 1994</i>,</b> <b>chapter 8, part 3B,</b> <b>division 3</b>	<b>Column 2</b> <b>Prescribed noise standard</b>	<b>Column 3</b> <b>Applicable part of local</b> <b>government's area</b>
No noise standard is prescribed.		



## Schedule 6A Designated area

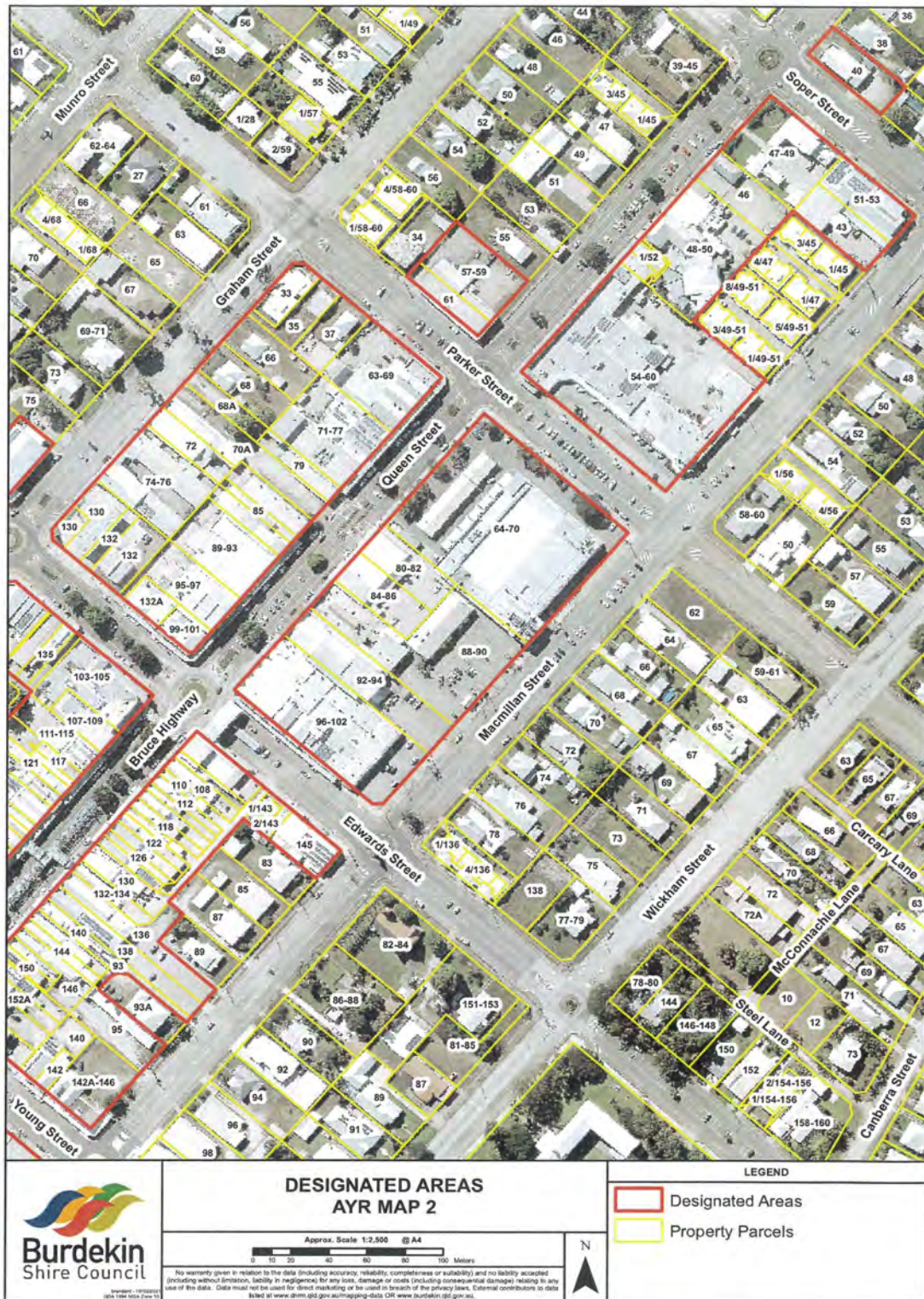
Section 13











































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## Schedule 7      Dictionary

### Section 4

**local government public health risk** has the meaning given in the *Public Health Act 2005*.

**plant** has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

**urban area** means an area forming the whole or part of an urban district.

**urban district** has the meaning given in the *Fire and Rescue Service Act 1990*.

**vermin** means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
  - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
  - (ii) a local government public health risk.

This and the preceding 24 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 3 (Community and Environmental Management) 2012* adopted in accordance with section 32 of the *Local Government Act 2009* by Burdekin Shire Council by resolution dated the                      day of                      2021.

.....  
Chief Executive Officer

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

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## **Part 1 Preliminary**

### **1 Short title**

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

### **2 Local law amended**

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

## **Part 2 Amendment of local law**

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

After section 2(2)—

*insert—*

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

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

After part 6—

*insert—*

## **‘Part 6A Building appearance**

### **Division 1 Application**

#### **21A Application**

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

### **Division 2 Duty to maintain buildings**

#### **21B Duty to maintain building appearance**

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

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

*Example for subsection (2)(b)—*

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

## Division 3 Enforcement

### 21C Show cause notice

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

notice to the owner about the decision.

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

## **21D Enforcement agreement**

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

entered into under this section, a court may—

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

## 5 Amendment of sch (Dictionary)

Schedule—

*insert—*

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

**court** means the Magistrates Court.

**designated area** see section 21A.

**enforcement agreement** see section 21D.

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

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

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

**show cause notice** see section 21C.

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

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

.....  
Chief Executive Officer

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# Burdekin Shire Council

## Community and Environmental Management (Amendment)

### Subordinate Local Law (No. 1) 2021

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## **Part 1 Preliminary**

### **1 Short title**

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

### **2 Subordinate local law amended**

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

## **Part 2 Amendment of subordinate local law**

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

- (1) Section 10(d), ‘.’—

*omit, insert—*

‘; and’.

- (2) After section 10(d)—

*insert—*

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

(i) is dangerous or attracts vermin; or

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

(A) personal injury or property damage; or

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

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

After part 6—

*insert—*

## **‘Part 6A Designated area for building appearance provisions**

### **13 Designated area for building appearance provisions**

For section 21A of the authorising local law—

(a) each area indicated by a bold red line on a map in schedule 6A is declared to be a designated area; and

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

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

Schedule 5, after item 6—

*insert—*

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

## 6 Insertion of new sch6A (Designated area)

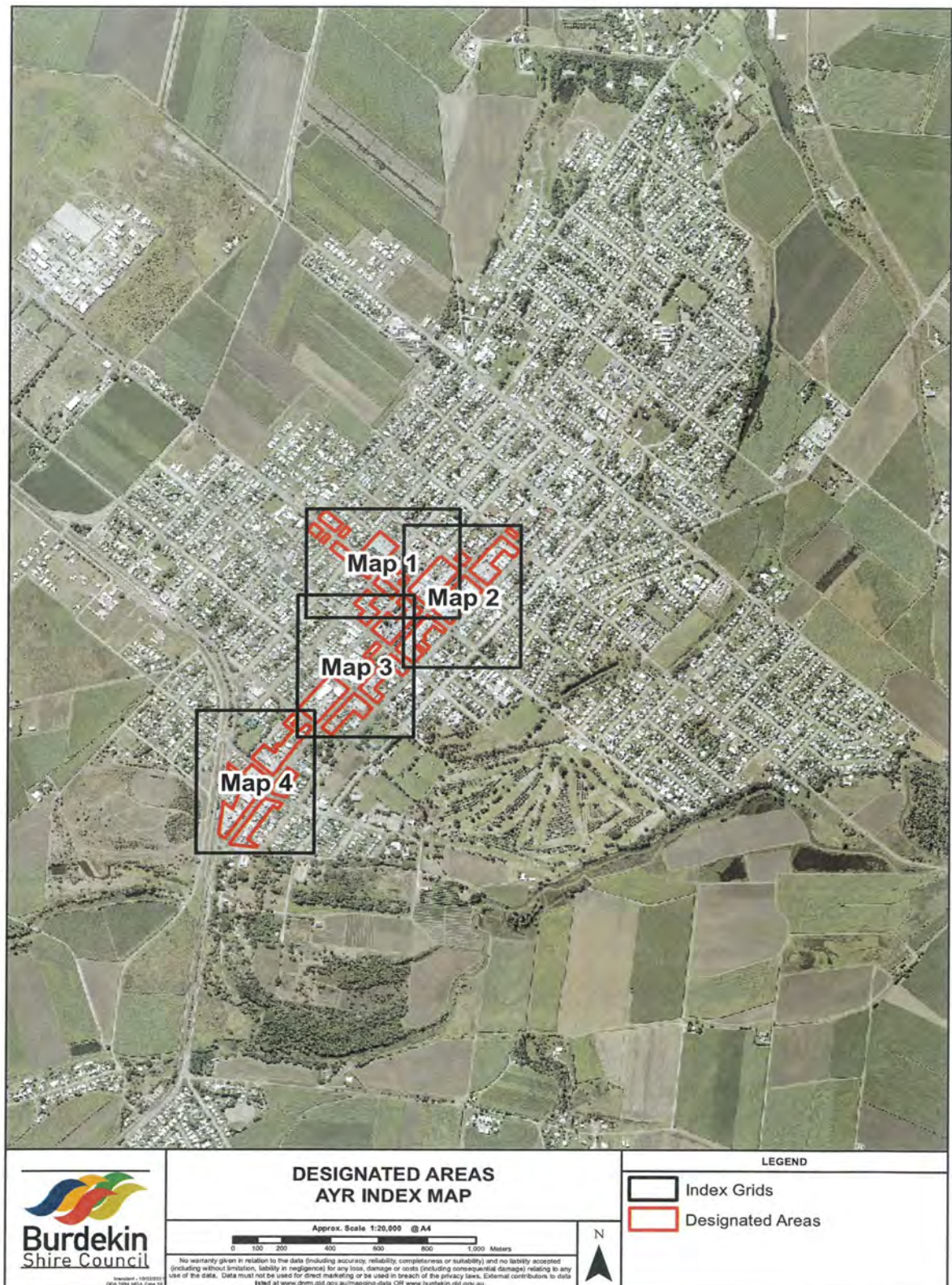
After schedule 6—

*insert—*

### **‘Schedule 6A      Designated area**

Section 13













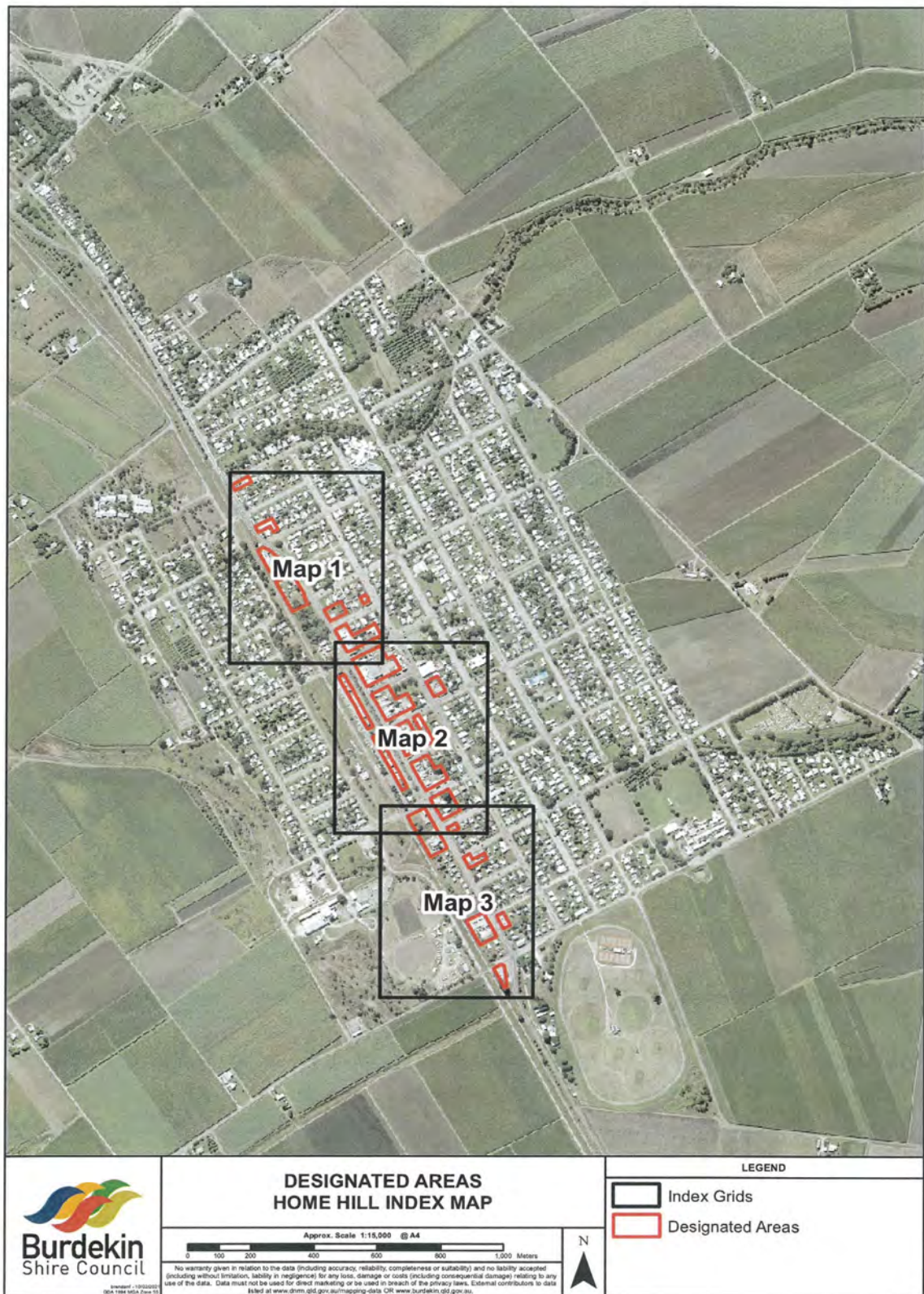
































This and the preceding 14 pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021* made in accordance with the provisions of the *Local Government Act 2009* by Burdekin Shire Council by resolution dated the                      day of                      2021.

.....  
Chief Executive Officer

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**PUBLIC INTEREST TEST PLAN**

**COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) LOCAL LAW (NO. 1) 2021 AND COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2021**

## **INTRODUCTION**

As part of the National Competition Policy reforms, Council is conducting a public interest test on possible anti-competitive provisions identified in the local law and subordinate local law identified in Schedule 1. The public interest test will be conducted against the principles and objectives set by the Competition Principles Agreement (CPA).

Under clause 5(1) of the CPA, all governments agreed to the principle that legislation should not restrict competition unless it can be demonstrated that:

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

In reviewing legislation that restricts competition, clause 5(9) of the CPA requires that the review should:

- clarify the objectives of the legislation;
- identify the nature of the restriction on competition;
- analyse the likely effect of the restriction on competition and on the economy generally;
- assess and balance the costs and benefits of the restriction; and
- consider alternative means of achieving the same result including non-legislative approaches.

Without limiting the matters to be taken into account in a review Clause 1(3) of the CPA sets out matters which should be taken into account, as follows:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;
- the interests of consumers generally or of a class of consumers;
- the competitiveness of Australian businesses; and
- the efficient allocation of resources.

This public interest test plan has been prepared in accordance with guidelines issued by the Queensland Department of Local Government and called up by regulation under the Local Government Act 2009 to provide a basis for community consultation. The plan details activities to be conducted during the test and identifies the depth of analysis to be carried out on the possible anti-competitive provisions.

## **PURPOSE OF THE LOCAL LAW AND THE SUBORDINATE LOCAL LAW**

The purpose of the proposed local law and subordinate local law identified in schedule 1 are specified in the local law and subordinate local law copies of which are available for inspection with this public interest test plan.

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## **POSSIBLE ANTI-COMPETITIVE PROVISIONS**

The possible anti-competitive provisions in each of the local law and the subordinate local law identified in schedule 1 are also identified in schedule 1.

## **CURRENT ENVIRONMENT**

Community and Environmental Management — See schedule 2.

## **TYPE OF ASSESSMENT AND LEVEL OF RESOURCES REQUIRED**

The assessment of the anti-competitive provisions in each of the local law and the subordinate local law will be conducted as a minor review. The emphasis will be on qualitative analysis of alternatives with key impacts expressed in monetary terms where data is available.

The review will be conducted in-house by a team of officers.

## **EXTENT OF CONSULTATION TO BE CONDUCTED**

Consultation will be conducted by giving public notice of the review in the local newspaper and inviting submissions. Public notices will also be posted on all public notice boards in the Council Chambers. The public notice will also advise that the consultation on anti-competitive provisions is being conducted with the public consultation for the proposed local law and subordinate local law.

Council will consult with existing representative bodies about the review and seek comment.

The public interest test plan will be open to inspection at the Council's public office and available for purchase.

## **TIME-FRAME FOR CONDUCTING THE PUBLIC INTEREST TEST**

Commence public interest test	<i>Thursday, 8 April 2021</i>
Estimate of time for completing public interest test	2 months including consultation period
Consultation period	Minimum of 3 weeks (21 days)
Target date for presenting report to local government	The Council meeting to be convened by Council 2 months after the commencement of the public interest test.

## **CONTENT OF THE PUBLIC INTEREST TEST REPORT**

The public interest test report will provide:

- A summary of the consultation process including a list of affected groups consulted and the outcomes of consultation
  - A statement of alternatives which are assessed to be not viable
  - A summary of the positive and negative impacts associated with the alternatives compared to the existing environment
  - A summary of the net impacts (positive or negative) associated with the alternatives
  - Recommendations
-

## **PUBLIC INTEREST TEST PLAN APPROVAL**

This decision has been delegated by Council to the Chief Executive Officer. The *Local Government Act 2009* allows this decision to be delegated by Council. Council will not delegate any decision in respect of recommendations contained in the actual public interest test report.



Prepared by: .....  
Terry Brennan – Chief Executive Officer

Date: 06 /04 /2021

## **Schedule 1 Identification of Local Law and Subordinate Local Law**

**Community and Environmental Management (Amendment) Local Law (No. 1) 2021**  
Section 4 (insertion of new sections 21B, 21C and 21D)

**Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021**  
Section 3 (amendment of section 10 – Community safety hazards)  
Section 4 (insertion of new part 6A – Designated area for building appearance provisions)  
Section 5 (amendment of schedule 5 – Prescribed requirements for community safety hazards).

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## **Schedule 2     Current Environment — Community and Environmental Management**

### **CURRENT ENVIRONMENT**

The proposed local law provides for the regulation of the maintenance of the appearance of buildings in designated areas so that the appearance of a building in a designated area does not detract from the appearance of other buildings in the designated area.

The proposed subordinate local law supplements the proposed local law by designating an area for the purposes of the application of the building appearance provisions in the proposed local law. The proposed subordinate local law also prescribes requirements for community safety hazards, and in particular, a building or structure on premises the construction, design or state of repair of which is dangerous or attracts vermin or has caused, or is, in the opinion of an authorised person, likely to cause personal injury, property damage or a negative impact on the amenity of the surrounding area.

Without the proposed local law in place, the regulation of the maintenance of the appearance of buildings in designated areas is not controlled by other legislation and the nuisance which results from a lack of regulation of the maintenance of the appearance of buildings is not properly regulated. There is an environmental risk which the proposed local law addresses. Without the local law, the nuisance is transferred to the general community and Council is not able to properly regulate the nuisance.

The control that the local law gives the local government is, potentially, a barrier to entry to a market and a restriction on the conduct of commercial operations, and in particular, the commercial operations of the owners and operators of buildings in designated areas.

In the context of the regulation of the maintenance of the appearance of buildings in designated areas, it is unlikely that the local law will:-

- impact on the business environment in terms of size, distribution and participation in the market; or
- impact on the consumer price or cost of production; or
- place restrictions on business ownership, structural form, business behaviour or product/service quality.

#### *Community safety hazard*

The proposed subordinate local law regulates a community safety hazard, and in particular, a building or structure on premises the construction, design or state of repair of which is dangerous or attracts vermin, or has caused, or is, in the opinion of an authorised person, likely to cause personal injury, property damage or a negative impact on the amenity of the surrounding area. An authorised person may, by compliance notice, given to the person responsible for the community safety hazard, require the responsible person to take specified action in relation to the community safety hazard. Also, the subordinate local law prescribes requirements that must be met by a responsible person relating to the relevant community safety hazard.

The proposed local law and subordinate local law make no distinction between commercial and non-commercial activities. The local law is anti-competitive to the extent that the provisions identified as “possible anti-competitive provisions” may have the effect of regulating some business activity.

Without the proposed local law in place, local government would be required to rely upon other mechanisms: other local laws, State legislation, common law action etc., to control nuisances. Without an effective method of controlling nuisances, costs, such as, loss of amenity and health and safety risks would be imposed on third parties ie. those not directly involved in the transaction between producers or suppliers and consumers. This is known as an externality market failure.

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## CONFIRM SECTIONS ARE ANTI-COMPETITIVE

The sections are confirmed as anti-competitive and no errors in analysis were made in the identification stage.

## REALISTIC REGULATORY AND NON-REGULATORY ALTERNATIVES TO THE PROPOSED LOCAL LAW AND SUBORDINATE LOCAL LAW

Regulatory and non-regulatory alternatives available to local government which may achieve the objectives of the local law are listed in the Department of Local Government's guidelines on conducting public interest tests.

The following alternatives were considered to be “realistic” alternatives and given further consideration:

- Regulation - public vs. private action
- Public information and education programs.

Council identified a further alternative of relying on the **planning scheme** to control nuisances relating to commercial activities.

After giving careful consideration to these alternatives all were considered to be not viable for the following reasons:

- **Regulation - public vs. private action** - This regime would involve a change to the local law to provide that where more than three complaints were received, local government would take action. Up to and including the third complaint the local government would not take action but it would be open to individuals to take action. In this way, local government would only be acting in genuine situations of nuisance rather than having to respond to what are often vexatious complaints.

While the alternative may provide some benefit to local government, it was considered to be only nominally less anti-competitive than the proposed regime. There was also concern that some genuine complaints would not be acted upon under this regime thereby limiting the rights of individuals and the community in respect of public health and safety and amenity. It may also be conceived by the community as an abrogation of local government responsibility and duty of care.

- **Public information and education program** - Consideration was given to this alternative but it was felt that local government does not have the resources necessary to undertake an education program. It was also considered that some form of regulatory control was necessary in order for local government to act immediately in situations posing an unacceptable risk to public health and safety or causing a nuisance.
- **Planning scheme** - This alternative would require the local law to be amended to specify that its application relates to non-commercial activities only. Regulation of nuisance with respect to commercial activities would be by way of the planning instruments.

There are several impacts which would arise from this alternative. The main difficulty with moving to use of the planning scheme relates to the question of whether local government would have control over existing businesses. Under the planning scheme, where new developments require some kind of approval, the local government could place conditions on the approval. However, in relation to existing businesses, unless an approval under the planning scheme was required and unless that original approval made provision for the activities covered by the local law, local government will have no powers under the planning scheme to control the activities covered by the local law. The local government may have recourse to a variety of powers under State legislation, for example, the Environment Protection Act 1994 and the Fire and Emergency Services Act 1990 but it would depend on the individual situation as to whether these or other Acts could be invoked and the degree of their effectiveness is uncertain.

### **KEY STAKEHOLDERS AFFECTED BY THE CURRENT SITUATION AND BY A MOVE TO ALTERNATIVE ARRANGEMENTS**

While no alternative has been identified as being viable at this stage, the stakeholders involved in this review are considered to be the following:

- Local government
- State
- Existing owners and occupiers of buildings in designated areas
- Potential owners and occupiers of buildings in designated areas
- Business interest groups/representative bodies (eg. local Chamber of Commerce, real estate agents etc.)
- Residents in close proximity to commercial activities (buildings in designated areas).

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## PUBLIC INTEREST TEST REPORT

### COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) LOCAL LAW (NO. 1) 2021 and COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2021

A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in proposed Community and Environmental Management (Amendment) Local Law (No. 1) 2021 and Community and Environmental Management (Amendment) Subordinate Local Law (No. 1) 2021. The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan. A copy of the public interest test plan is attached.

The public interest test report has been prepared in accordance with guidelines issued by the Department of Local Government. The guidelines have been applied by regulation under the *Local Government Act 2009*.

#### RESULTS OF CONSULTATION PROCESS

Consultation with the public and key stakeholders occurred over a three week period. An advertisement was placed in the local paper at the commencement of the consultation period advising of the review and calling for submissions. Notices were posted on notice boards within the local government area during the consultation period. Direct notification of the review was sent to all key stakeholders.

***Particulars of submissions received (if any) and consultation undertaken by Council officers in relation to each submission received (if any) are detailed in the report to Council of which this public interest test report forms part.***

#### REASSESSMENT OF ALTERNATIVES

Following assessment of the results of the consultation process it is considered that no grounds were advanced to support the introduction of another regulatory or non-regulatory alternative. It is considered that the introduction of an alternative control mechanism would have severe negative impacts on the community in general.

Council did not receive any submission which detailed supporting grounds, or identified a benefit to the community which would be achieved by establishing an alternative control.

#### RECOMMENDATIONS

Possible anti-competitive provisions have been identified in each of the proposed amending local law and the proposed amending subordinate local law. Each anti-competitive provision should be retained in its current form in each of the amending local law and the amending subordinate local law because:-

- (a) no other regulatory or non-regulatory alternative to the retention of the anti-competitive provisions was identified; and
- (b) the benefit to the community of retaining the anti-competitive provisions outweighs the cost to the impacted stakeholders.

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## 6.2 OPERATIONS

## 6.3 PLANNING AND DEVELOPMENT

## 6.4 TECHNICAL SERVICES

### 6.4.1 Road Closure Application - Peake Street, Ayr

**File Reference** 2215

**Report Author** Mr. Glen Stockdale – Design Office Coordinator

**Authoriser** Mr. Nick Wellwood – Director Infrastructure Planning and Environmental Services

**Meeting Date** 25 May 2021

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

Burdekin Shire Council Corporate Plan 2017-2022

3.1.2 Provide information and referrals for community service enquiries from residents

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#### **Executive Summary**

Request for Council's view on the temporary closure of a road reserve at the end of Peake Street, Ayr which is classified as "pathway".

#### **Recommendation**

That Council resolves to offer no objection to the temporary closure of the "pathway" at the end of Peake Street, Ayr between the properties of Fallon and Giddy.

#### **Background**

Groves and Clark Solicitors have written to Council on behalf of Mr. Richard and Mrs. Fabrianne Fallon, and Mr. Desmond and Mrs. Denise Giddy, requesting Council's support for the temporary closure of the section of road reserve classified as "pathway" at the end of Peake Street, Ayr.

The "pathway" extends from the end of the Peake Street, Ayr cul-de-sac between the Fallon and Giddy residences and terminates at the north-western boundary of 27-29 Adelaide Street, Ayr.

The pathway does not provide any connectivity between Peake Street, Ayr and Adelaide Street, Ayr and will not adversely affect any neighbouring properties if closed.

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### Consultation

Consultation was undertaken with the adjacent property owners (Fallon and Giddy).

### Budget & Resource Implications

Not Applicable – all costs are the responsibility of the applicant.

### Legal Authority & Implications

Council is the Road Manager for all non-state controlled roads within the Burdekin Shire.

### Policy Implications

Not Applicable.

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

Not Applicable.

### Attachments

1. Aerial Image of the Abovementioned Area.





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## 6.4.2 Road Name Change - Becker Road to Hawkins Road, Brandon

<b>File Reference</b>	718
<b>Report Author</b>	Ms. Tayla Heuir – Graduate Technical Officer
<b>Authoriser</b>	Mr. Nick Wellwood – Director of Infrastructure Planning and Environmental Services
<b>Meeting Date</b>	25 May 2021

### Link to Corporate/Operational Plan

Burdekin Shire Council Corporate Plan 2017-2022

- 5.1.1 Continue and enhance community engagement processes that enable greater community participation and feedback.
  - 5.1.3 Communicate Council intent and decisions to the community using effective messaging tools
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### Executive Summary

Request for Council to rename a section of rural road in Brandon.

The request was originally brought to Council's attention in 2018, however was not fully resolved.

### Recommendation

That Council names the road adjoining the northern boundary of Lot 2 RP730431 as 'Hawkins Road' and erects a road sign on the existing signpost on the T-intersection of the road.

### Background

In 2018, an adjoining property owner requested Council name the section of Becker Road, Brandon adjacent to his property to the local name of 'Hawkins Road'. His request detailed how there has been confusion with farm deliveries in the area, as Becker Road, Brandon currently splits at a T-intersection adjacent to his property. The signpost shows that Becker Road, Brandon continues to the east only.

The property owner had requested that the road to the west of the existing signpost be named 'Hawkins Road' and that a new sign be erected.

The surrounding property owners were consulted and did not object to the renaming of the road.

In 2020, Council received a different customer request that triggered the follow up and resolution of the original request.

### Consultation

In 2018, property owners were contacted via telephone and provided verbal agreement for the naming of the road.

Recently, all relevant property owners were contacted via telephone and asked to sign letters of approval for the road to be renamed. All affected property owners have provided written agreement for the re-naming of the road.

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### **Budget & Resource Implications**

Cost for the additional signage would be of approximately \$500.00 and would be an operational expense.

### **Legal Authority & Implications**

Not Applicable.

### **Policy Implications**

Not Applicable.

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

Not Applicable.

### **Attachments**

1. The Road to be renamed Highlighted in Red Below.



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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**

**12 DELEGATIONS**



