



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 08 June 2021

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 8 JUNE 2021

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ATTENDANCE

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

Mr. T. Brennan - Chief Executive Officer
Mr. N. O'Connor – Director Corporate and Community Services
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services
Mr. N. Toll – Media and Communication Officer
Mr. W. Saldumbide - Manager Operations (Part)
Mr. D. Cornwell – Manager Community Services (Part)
Mrs. M. Stockdale – Purchasing and Stores Supervisor (Part)
Mrs. E. Lovell – Economic Development Coordinator (Part)
Ms. M. Bevilacqua - Tourism Officer (Part)
Mr. F. McCaffery – Tourism and Economic Development Support Officer (Part)
Mr. M. MacDonald – ICT Help Desk Support Officer (Part)

Minutes Clerk – Ms. G. Biffanti

1 PRAYER

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

9.11am Mr. Saldumbide entered the meeting.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Detenon advised he had a Declarable Conflict of Interest in relation to Item 6.2.1 Tenders to Establish Registers of Pre-Qualified Suppliers for Annual Supply Contracts as his partner, Amy Bahr is the daughter of one of the business partners of Bahrs Pit Quarry/BQC Quarries. Councillor Detenon advised of his intention to leave the meeting during this discussion.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 25 May 2021

Recommendation

That the minutes of the Ordinary Council Meeting held on 25 May 2021 be received as a true and correct record.

Resolution

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

CARRIED

4 EXECUTIVE

4.1 CEO

4.1.1 Council Workshops - May 2021

Executive Summary

The Council conducted two (2) workshops during the past month on 4 and 18 May 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 4 and 18 April 2021 be received and noted.

Resolution

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

CARRIED

4.2 ECONOMIC DEVELOPMENT

5 CORPORATE AND COMMUNITY SERVICES

5.1 CLIENT SERVICES

5.2 COMMUNITY DEVELOPMENT

9.14am Mr. Cornwell entered the meeting.

5.2.1 Community Development and Cultural Advisory Group

Executive Summary

Burdekin Shire Council recently endorsed Charters for the establishment of both a Community Development and Cultural Advisory Group and received expressions of interest from the community for membership of the two (2) groups.

Following a call for community representatives, it is recommended that the two (2) advisory groups be combined for a 12-month period followed by a review and further consideration by Council; and that the terms of reference be amended to reflect this.

Recommendation

That Council:

- a. combines the proposed Community Development and Cultural Advisory Groups for a 12-month period followed by a review and further consideration by Council;
- b. adopts the attached Community Development and Cultural Advisory Group Charter 2021-2024;
- c. appoints Councillors Sue Perry and John Furnell as Council Representatives on the group; and
- d. endorses the appointment of the following community members on the group:
 - Fiona Christie
 - Gracie Hosie
 - Uli Leissmann
 - Brian Glover
 - Mikayla McDonnell
 - Shane James
 - Ross Romeo
 - Lauren Delle Baite
 - Treena List

Resolution

Moved Councillor Furnell, seconded Councillor Boccalatte that the recommendation be adopted noting the change of name of group to Community and Cultural Development Advisory Group.

CARRIED

5.2.2 Revised Volunteer Policy

Executive Summary

The Volunteer Policy provides Council with a consistent approach to the engagement, management and support of volunteers who assist Council across various operational areas to deliver services to the community. The policy was adopted by Council in 2017 and has now been reviewed and updated.

Recommendation

That Council adopts the Volunteer Policy as attached to this report.

Resolution

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

CARRIED

5.2.3 Water Park Survey**Executive Summary**

Burdekin Shire Council recently undertook a community consultation survey to ascertain the community's preference for the size and scale of the ANZAC Park Precinct Water Park and fee structure for use of the swimming pool and water park. The survey found that of the 93 formal responses received, 76% of respondents preferred a \$3.6 million medium sized water park with multiple large slides and one entry fee to use the pool and separate fees for both the water park and slides.

Recommendation

That Council notes the results from the recent community consultation to help guide future decision making on the design, scope, and fee structure for the Burdekin Water Park.

Resolution

Moved Councillor Musumeci, seconded Councillor Boccalatte that the recommendation be adopted noting in Entry Fees section of the report, option C should read 'One entry fee to use the pool and an additional fee to use the water park – 24% in favour', with this response referring to the smaller scale water park option.

CARRIED

9.24am Mr. Cornwell left the meeting.

5.3 FINANCIAL AND ADMINISTRATIVE SERVICES

9.29am Mrs. Stockdale entered the meeting.

5.3.1 Adoption of Non-Current Asset Accounting Policy**Executive Summary**

The revised Non-Current Asset Accounting Policy will amend the current policy, adopted at the Ordinary Council Meeting on 11 June 2019.

The only amendment to the policy was the addition of the Risk Management clause in line with Council's revised policy template.

Recommendation

That Council adopts the attached Non-Current Asset Accounting Policy.

Resolution

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

CARRIED

5.3.2 Adoption of 2021/2022 Fees and Charges**Executive Summary**

The 2021/2022 Fees and Charges schedule is required to be adopted by Council to be effective from 1 July 2021.

Recommendation

That in accordance with the *Local Government Act 2009*, Council adopts the attached 2021/2022 Fees and Charges schedule, to take effect from 1 July 2021.

Resolution

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

CARRIED

5.4 GOVERNANCE**6 INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES****6.1 ENVIRONMENTAL AND HEALTH SERVICES****6.2 OPERATIONS**

9.30am Councillor Detenon advised he had a Declarable Conflict of Interest as disclosed at the start of the meeting in relation to Item 6.2.1 Tenders to Establish Registers of Pre-Qualified Suppliers for Annual Supply Contracts as his partner, Amy Bahr is the daughter of one of the business partners of Bahrs Pit Quarry/BQC Quarries. Councillor Detenon left the meeting.

6.2.1 Tenders to Establish Registers of Pre-Qualified Suppliers for Annual Supply Contracts

Executive Summary

Chapter 6 Part 3 Division 2 Section 224(3) of the *Local Government Regulation Queensland 2012* requires Council to invite written tenders for large-sized contractual arrangements with a supplier that is expected to be worth, exclusive of GST, \$200,000 or more in a financial year, or over the proposed term of the contractual arrangement.

Chapter 6 Part 3 Division 3 Section 232(4) allows a Local Government to establish a register of pre-qualified suppliers by inviting suppliers to tender to be on a register of pre-qualified suppliers. The initial term of the appointments listed in this report shall be two (2) years, with two (2) options to extend at Council's discretion. Council may, during the term of the appointment, periodically conduct a new procurement process to 'refresh' the register of pre-qualified suppliers, that is, to enable new suppliers to tender and allow existing pre-qualified suppliers to submit an amended tender if they wish to do so.

TBSC/21/001 – Scope and Technical Specifications outlined the following requirements in relation to Quality Assurance.

If a Tenderer does not currently hold third party accreditation at date of the Contract, they shall only supply the Principal with materials after providing one of the following options.

- (a) Provide the Principal with a copy of a recently obtained third-party accreditation; or
- (b) Provide the Principal with NATA Accredited Laboratory test result certifying the materials are to the requested Main Roads specifications. Such results are to be from the lot and stockpile that the material is being supplied from and not more than two (2) months old prior to the date of supply.

The only respondent able to furnish the requested evidence of third-party accreditation for a Quality Management System was BQC Quarries. The other tenderers have internal Quality Management Systems in place and are both registered for supply of tendered products with the Department of Transport and Main Roads.

Recommendation

(1) TBSC/21/001 – Supply and Delivery of Stone Products

It is recommended Council accept all three (3) submissions based on the following.

BQC Quarries – Accepted with no qualifications on product testing as they fulfil the requested Quality Assurance (QA) Certification. They are the only submission with third-party QA Accreditation for a Quality Management System under ISO9001:2015 and their tender response included all the required evidence.

Gromac Quarries and LD & LJ Hillary Pty Ltd – Accepted with restrictions surrounding accredited laboratory testing due to both companies not holding the required third-party QA Accreditation.

Both Gromac Quarries and LD & LJ Hillary Pty Ltd are to provide the Principal with NATA Accredited Laboratory test result certifying the materials are to the requested Main Roads specifications. Such results are to be from the lot and stockpile that the material is being supplied from and not more than two (2) months old prior to the date of supply.

Using the Tender Schedule of Rates, Authorised Requisitioning Officers (ARO's) are to choose the supplier of goods based on the product pricing most advantageous to Council. As well as price, the ARO's will also take into consideration the geographical location of works and the originating quarry to determine the most advantageous supplier to Council.

(2) TBSC/21/002 – Supply and Delivery of Bulk Sodium Hypochlorite

It is recommended that Council accept the tender from Coogee QCA Pty Ltd based on price, past performance, and quality of service. Coogee QCA Pty Ltd do not hold third-party QA Accreditation although they do have a current internal Quality Management System in place.

(3) TBSC/21/003 – Supply and Delivery of Ready Mixed Concrete

It is recommended that Council accept the tender from Burdekin Concrete Pty Ltd based on past performance, product quality and this being the only submission received.

(4) TBSC/21/004 – Supply and Delivery of Herbicides

It is recommended that Council accept the tender from Nutrien Ag Solutions Ltd (formally Landmark Agr) based on price, past performance, and product quality.

Resolution

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

CARRIED

9.43am Mrs. Stockdale left the meeting.

9.44am Councillor Detenon returned to the meeting.

9.45am Mr. Saldumbide left the meeting.

6.3 PLANNING AND DEVELOPMENT

6.4 TECHNICAL SERVICES

7 NOTICE OF MOTION

8 RECEIPT OF PETITIONS

9 CORRESPONDENCE FOR INFORMATION

9.1 Council Submission - Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021

Resolution

Moved Councillor Musumeci, seconded Councillor Boccalatte that Council prepare a submission to express Council support of the Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021.

CARRIED

10 GENERAL BUSINESS

10.1 Congratulations and Thanks - Sweet Days Hot Nights

The Mayor expressed her congratulations and thanks to all Council staff involved in coordinating and promoting Sweet Days Hot Nights Festival held in the Burdekin. The comments were supported by the other Councillors.

10.06am Mrs. Lovell, Ms. Belvilacqua, Mr. McCaffery and Mr. MacDonald entered the meeting.

10.2 2021 Award for Excellence - Excellence in Doing More with Less

Mr. Brennan presented the 2021 Local Government Managers Australia Queensland Award for Excellence – ‘Doing More with Less’ to the following Council staff in recognition of their innovative, creative, impactful and outstanding work for the Sweet Days Hot Nights Virtual Festival 2020:

- Mrs. E. Lovell
- Ms. M. Bevilacqua
- Mr. N. Toll
- Mr. F. McCaffery
- Mr. M. MacDonald

10.14am Mrs. Lovell, Ms. Belvilacqua, Mr. McCaffery and Mr. MacDonald left the meeting.

10.3 Request Use of Council Bus - School Chaplains

Resolution

Moved Councillor Perry, seconded Councillor Furnell that Council approves the request from the Burdekin Chaplaincy to use the Council Bus to transport students to Alva Beach on 1 July 2021 as part of their SHACK (School Holliday Action Camp for Kids) Camp.

CARRIED

11 CLOSED BUSINESS ITEMS

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

Resolution

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

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

For the purpose of discussing:

1. Legal Advice - Occupancy of Residence on Part of 261 Edwards Street, Ayr

CARRIED

10.23am Meeting adjourned for morning tea.

10.45am Meeting recommenced.

Council Meeting opened to Public

Resolution

Moved Councillor Musumeci, seconded Councillor Bonanno that the Council meeting be opened to the public.

CARRIED

11.1 Confidential Report - Legal Advice Occupation of Residence on a Part of 261 Edwards Street, Ayr

Executive Summary

Council is requested to consider the legal advice provided by King and Company Solicitors in respect of the occupancy of the residence situated on part of Lot 4 on Survey Plan 114470 (part of 261 Edwards Street, Ayr).

Recommendation

That in order to comply with the procedural requirements of the *Property Law Act 1974*, Council:

1. formally terminates the 'tenancy at will' between Council and WT Nahow (deceased) in respect of WT Nahow's occupancy of the residence situated on part of Lot 4 on Survey Plan 114470 (part of 261 Edwards Street, Ayr); and
2. acknowledges the procedural requirements of section 132 of the *Property Law Act 1974*, as detailed in the body of this report, in relation to the giving of the Notice to Tenant; and
3. determines a reasonable notice period to be one (1) month after the second publishing of the Notice to Tenant in the Townsville Bulletin; and

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4. delegates to the Chief Executive Officer the power to execute the Notice to Tenant; and
 5. endorses the proposed actions to be undertaken by Council officers to serve the executed Notice to Tenant as detailed in the body of this report; and
 6. authorise the Chief Executive Officer to take all necessary steps to effect the termination of the tenancy at will; and
 7. determines that no further tenancies will be entered into for the residence located on part of Lot 4 on Survey Plan 114470 (part of 261 Edwards Street, Ayr).

Resolution

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

CARRIED

12 DELEGATIONS

There being no further business the meeting closed at 11.10am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 22 June 2021.

MAYOR
