



Burdekin Shire Council

AGENDA

ORDINARY COUNCIL MEETING

HELD AT COUNCIL ADMINISTRATION BUILDING,
145 YOUNG STREET, AYR

on 8 March 2022

COMMENCING AT 9:00 AM

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ORDER OF BUSINESS:

ATTENDANCE

- 2. PRAYER**
- 3. DECLARATIONS OF INTEREST**
- 4. MINUTES AND BUSINESS ARISING**
 - 4.1. Ordinary Council Meeting Minutes - 22 February 2022**
- 5. EXECUTIVE**
 - 5.1. CEO**
 - 5.1.1. Council Workshops - February 2022**
 - 5.2. ECONOMIC DEVELOPMENT**
- 6. CORPORATE AND COMMUNITY SERVICES**
 - 6.1. CLIENT SERVICES**
 - 6.2. COMMUNITY DEVELOPMENT**
 - 6.3. FINANCIAL AND ADMINISTRATIVE SERVICES**
 - 6.3.1. Revised Records Governance Policy**
 - 6.4. GOVERNANCE**
 - 6.4.1. Delegations of Power to the Chief Executive Officer**
 - 6.4.2. Investigation of Inappropriate Councillor Conduct Policy**
 - 6.4.3. Sale of Vacant Freehold Land: 67 Mackenzie Street, Ayr and 69 Mackenzie Street, Ayr**
- 7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES**
 - 7.1. ENVIRONMENTAL AND HEALTH SERVICES**
 - 7.1.1. Appointment of Consultant – Burdekin Shire Aquatic Strategy**
 - 7.2. OPERATIONS**
 - 7.3. PLANNING AND DEVELOPMENT**
 - 7.3.1. Development Application - Material Change of Use for a Café Including a Drive Through at 189-191 Queen Street, Ayr (Lot 1 on RP708528)**
 - 7.4. TECHNICAL SERVICES**
- 8. NOTICE OF MOTION**
- 9. RECEIPT OF PETITIONS**
- 10. CORRESPONDENCE FOR INFORMATION**
- 11. GENERAL BUSINESS**
- 12. CLOSED BUSINESS ITEMS**
- 13. DELEGATION**

4.1. MINUTES AND BUSINESS ARISING

Ordinary Council Meeting Minutes - 22 February 2022

Recommendation

That the minutes of the Ordinary Council Meeting held on 22 February 2022 be received as a true and correct record.

Attachments

1. Minutes - Ordinary Council Meeting - 22 February 2022



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

HELD AT COUNCIL ADMINISTRATION BUILDING,
145 YOUNG STREET, AYR

on 22 February 2022

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

1. ATTENDANCE

Councillor Lyn McLaughlin, Councillor Sue Perry, Councillor Kaylee Boccalatte, Councillor John Bonanno, Councillor Michael Detenon, Councillor John Furnell, Councillor Max Musumeci

Mr. T. Brennan - Chief Executive Officer
Mr. N. O'Connor – Director Corporate and Community Services
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services
Mrs. K. Olsen - Manager Financial and Administrative Services (Part)
Mrs. E. Lovell - Economic Development Coordinator (Part)
Mr. M. Pearce - Senior Planning Officer (Part)
Ms. M. Bradford - Planning Assistant (Part)
Ms. T. Bateman - Governance and Property Officer (Part)
Mr. G. Stockdale - Design Office Coordinator (Part)

Minutes Clerk - Ms. G. Biffanti

2. PRAYER

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

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Boccalatte advised she had a Declarable Conflict of Interest in relation to Item 6.4.2 Tender Recommendation - TBSC/21/017 - Lease of Reserve Land for Grazing (Rita Island/Jarvisfield) as her family's property borders on the Reserve Land - Lot 141 on Crown Plan GS808420 which is part of land included in the tender to lease. Councillor Boccalatte advised of her intention to leave the meeting during this discussion.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 8 February 2022

Recommendation

That the minutes of the Ordinary Council Meeting held on 8 February 2022 be received as a true and correct record.

Resolution

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

CARRIED

4.2. Audit Committee Meeting Minutes - 9 February 2022

Recommendation

Item 3 - Minutes of the Audit Committee Meeting held on 8 September 2021

That the minutes from the previous meeting be formally adopted by the Committee.

Item 4.1 - Review Financial Reporting Timetable/Plan

That the 2022 Audit Committee Schedule be formally adopted by the Committee, subject to any changes necessitated by the Internal Audit Plan.

Item 5.1 - Emerging issues and reports to Parliament

That the Committee note the QAO/Crowe Audit Committee Briefing Paper.

Item 5.2 - Consider need for closed session briefing with Crowe/QAO

That the Committee agree a closed session briefing is not required.

Item 6.1 - Endorsement of Annual Internal Audit Plan

That the Annual Internal Audit Plan be formally adopted by the Committee.

Item 7.1 - Risk Management Update

That the Committee note the Risk Management Update report.

Item 8.1 - Audit Committee Performance – Results of self-assessment

That the Committee note the results of the self-assessment survey.

Item 9.1 - Assessment against good practice guidelines – Regulatory Practices – Appendix C Regulating animal welfare services (Report 6: 2021-22)

That the Committee note the Regulating animal welfare services (Report 6: 2021-22) Appendix C extract.

That:

1. the minutes of the Audit Committee Meeting held on 9 February 2022 be noted; and
2. the recommendations as detailed in the minutes and summarised in Item 3 to 9.1 be adopted.

Resolution

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

CARRIED

4.3. Economic Development Advisory Group Minutes - 27 January 2022

Recommendation

Item 3 - Subsidised Bus Service

That Council send a letter to State Government to obtain their policy and criteria to apply for a subsidised bus service.

Item 4 - General Business - Google Maps

That Council refers the following item to Burdekin Road Safety Advisory Committee for review: Signs to be erected on the highway before the intersections at Sandy Corner and McDesme Road stating the route is not suitable for larger vehicles.

That:

1. the minutes of the Economic Development Advisory Group Meeting held on 27 January 2022 be noted, and;
2. the recommendations as detailed in the minutes and summarised above Items 3 and 4 to be adopted.

Resolution

Moved Councillor Detenon, seconded Councillor Perry that the recommendation be adopted noting the following adjustments:

1. addition of Councillor McLaughlin's' name to the attendees of the minutes as she attended the meeting.
2. the recommendation as detailed in the minutes as Item 4 be adopted and Item 3 not to be adopted.

CARRIED

9.28am - Ms. Bateman entered the meeting.

5. EXECUTIVE

5.1. CEO

5.1.1. 2022-2024 Local Government Grants and Subsidies Program – Application for Funding of Macro-algae Bioremediation Project

Executive Summary

The Council has been continuing its advocacy for funding support from the State and Federal Governments to undertake construction of a Macro-algae Bioremediation facility at the Ayr-Brandon Waste-Water Treatment Plant (WWTP).

The project will be a joint initiative between Council and Pacific Bio, who own the intellectual property for the treatment process, to construct and operate a facility, with a pilot project currently underway at the WWTP based on a scaled down version of the treatment process.

Construction of the facility will enable a major improvement in the water quality of the final discharge from the WWTP through achieving significant reductions in Nitrogen and Phosphorous in the treated effluent. The project will also allow for an increase in the treatment capacity of the plant by providing additional load and buffering capacity with the additional ponds, enhancing the plant's capacity to take additional loads from the proposed expanded industrial estate.

The estimated cost of the project is \$8.32 Million and external funding support is being sought, with an application submitted under the State's Building Our Regions program for a \$2 million grant (maximum available). The outcome of this application is unknown at this time, with the State yet to advise if Council will be invited to progress to stage 2 of the funding round.

An opportunity now exists to submit an application under the State's 2022-2024 Local Government Grants and Subsidies Program (LGGSP) for additional funding for the project. The maximum subsidy available under this program is 60% and it can be used to fund elements of the overall project, but not to supplement funding for the overall project if it receives other grant funding support. The Council would be required to fund a 40% share of the costs under this program, and it has the financial capacity to do this from funds held in Reserves for sewerage purposes.

Applications under the program close on 4 March 2022 and work is proceeding on the preparation of the funding application subject to Council endorsement of the application.

Recommendation

That Council endorse the submission of an application under the 2022-2024 Local Government Grants and Subsidies Program (LGGSP) for elements of the construction of a Macro-algae Bioremediation facility at the Ayr-Brandon Waste Water Treatment Plant, noting it has applied for \$2 Million in funding under the Building Our Regions Program Round 6 for the project and it will be responsible for part of the costs of the project in accordance with the LGGSP guidelines.

Resolution

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

CARRIED

5.2. ECONOMIC DEVELOPMENT

5.2.1. Membership to Smart Precinct North Queensland

Executive Summary

In 2020, Townsville City Council (TCC) and JCU formed Smart Precinct North Queensland (SPNQ), to support innovation, entrepreneurship and economic activation within the region.

SPNQ has established its team and an impressive array of business support services that have seen over 130 businesses receive direct business growth and resilience support.

As a North Queensland Regional Organisation of Councils (NQROC) supported project, SPNQ is now ready to offer this support to the other NQROC Local Government Areas (LGA) and their businesses.

SPNQ has approached Council to become a member to provide a range of business growth advisory and support to the region, increasing business growth, businesses starts, and employment growth. This program is also expected to increase access to state and federal grant funding for businesses of the Burdekin region.

SPNQ will deliver several program components and support to Burdekin businesses as detailed in the attached proposal.

Recommendation

That Council accept the proposal from Smart Precinct North Queensland and become a member from 1 March 2021 to 30 June 2022 for the amount of \$7000.00 ex GST and consider ongoing membership for the 2022/2023 financial year as part of budget discussions.

Resolution

Moved Councillor Detenon, seconded Councillor Boccalatte that the recommendation be adopted noting the commencement date should be 1 March 2022.

CARRIED

9.35am - Mrs. Lovell left the meeting.

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.2. COMMUNITY DEVELOPMENT

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.3.1. Monthly Financial Report for Period Ending 31 January 2022

Recommendation

That the Monthly Financial Report for Period Ending 31 January 2022 be received.

Resolution

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

CARRIED

9.46am - Mrs. Olsen left the meeting.

6.4. GOVERNANCE

6.4.1. Tender Recommendation – TBSC/21/020 – Agricultural Lease (Ayr Aerodrome, Brandon)

Executive Summary

Part of the Ayr Aerodrome is presently leased for agricultural purposes, with this lease due to expire on 14 March 2022.

The *Local Government Regulation 2012* (Qld) requires a Local Government to invite written tenders for a non-current asset or offer a non-current asset for sale by auction, before entering into a valuable non-current asset contract.

On 15 November 2021, Council invited written tenders to enter a freehold lease as follows:

Lessor:	Burdekin Shire Council
Land Description:	Ayr Aerodrome, 66 Aerodrome Road, Brandon Leases B, C and D in Part of Lot 106 on RP898777
Area:	54.654 hectares (approximately)
Permitted Use:	Agricultural production of small crops
Term:	3 years plus 1 x 2 year Option
Commencement:	15 March 2022

Recommendation

That Council enter into a freehold lease with Kenrose Co Pty Ltd over Leases 'B', 'C' and 'D' in part of Lot 106 on Registered Plan 898777 as shown in the attached plan, for an initial 1 year term with 2 x 1 year Options.

Resolution

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

CARRIED

6.4.2. Tender Recommendation – TBSC/21/017 – Lease of Reserve Land for Grazing (Rita Island / Jarvisfield)

9.50am - Councillor Boccalatte left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 6.4.2 Tender Recommendation - TBSC/21/017 - Lease of Reserve Land for Grazing (Rita Island/Jarvisfield) as her family's property borders on the Reserve Land - Lot141 on Crown Plan GS808420 which is part of land included in the tender to lease.

9.54am - Mr. Pearce and Ms. Bradford entered the meeting.

Executive Summary

The *Local Government Regulation 2012* (Qld) requires a Local Government to invite written tenders for a non-current asset or offer a non-current asset for sale by auction, before entering into a valuable non-current asset contract.

On 1 November 2021, Council invited written tenders for leases of a five (5) year term plus a five (5) year option over the following parcels of reserve land:

Trustee:	Burdekin Shire Council
Land Description:	Lot 141 on Crown Plan GS808420
Area:	658.00 hectares (about)
Purpose:	Local Government
Sub-Purpose:	Flood Erosion Control

Trustee:	Burdekin Shire Council
Land Description:	Lot 122 on Crown Plan GS405
Area:	20.246 hectares (about)
Purpose:	Local Government
Sub-Purpose:	Flood Erosion Control

Trustee:	Burdekin Shire Council
Land Description:	Lot 121 on Survey Plan 205555
Area:	3.996 hectares (about)
Purpose:	Local Government
Sub-Purpose:	Flood Erosion Control

Recommendation

That Council:

1. Enter a trustee lease with Mr. Sebastian Vasta over part of Lot 141 on Crown Plan GS808420 as shown in Image 'A' in red; and
2. Enter a trustee lease with Mr. Roy Pryor over part of Lot 141 on Crown Plan GS808420 as shown in Image 'A' in blue, a trustee lease over the whole of Lot 122 on Crown Plan GS405 as shown in Image 'B' in blue and a trustee lease over the whole of Lot 121 on Survey Plan 205555 as shown in Image 'C' in blue.

Resolution

Moved Councillor Detenon, seconded Councillor Musumeci that the recommendation be adopted noting the inclusion of terms to state a five (5) year term plus a five (5) year option on all land lease arrangements.

CARRIED

10.01am - Councillor Boccalatte returned to the meeting.

6.4.3. Trustee Lease – Part of Lot 91 on Crown Plan GS980 – Burdekin Woodcrafts Association Incorporated

Executive Summary

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

Lessor:	Burdekin Shire Council
Lessee:	Burdekin Woodcrafts Association Incorporated
Interest:	Reserve for Recreation and Sports Ground
Leased Area:	Lease 'H' in Part of Lot 91 on Crown Plan GS980
Term:	5 years plus 1 x 5 year Option
Rent:	\$0.10 per annum (if demanded)

Recommendation

That Council agree to enter into a Trustee Lease with Burdekin Woodcrafts Association Incorporated over part of Lot 91 on Crown Plan GS980 shown on attachment 1 as Lease 'H', for an initial 5 year term with a 5 year Option.

Resolution

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

CARRIED

10.04am - Ms. Bateman left the meeting.

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.2. OPERATIONS

7.3. PLANNING AND DEVELOPMENT

7.3.1. Development Application Reconfiguring a Lot (1 into 2 Lots) at 77 Bartlett Road, Horseshoe (Lot 37 on RP731511)

Executive Summary

Council has received a Development Application from Brazier Motti on behalf of their client seeking a development permit for Reconfiguring a Lot (1 into 2 Lots) at 77 Bartlett Road, Horseshoe Lagoon (Lot 37 on RP731511).

The application for Reconfiguring a Lot is triggered as a 'Code Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (the scheme).

Recommendation

That Council note the Development Application approval for a Reconfiguring a Lot (1 into 2 Lots) at 77 Bartlett Road, Horseshoe Lagoon (Lot 37 on RP731511) subject to the following conditions:

General

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2 Pay the sum of \$78.70 calculated on the basis of a charge per lot to be levied on the Council by the Department of Resources for each new valuation.

Roadworks

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

Proposal Plan

3. The reconfiguration of the land must be carried out generally in accordance with:-

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- (a) (i) the Brazier Motti proposal plan numbered 56786/001A;
(ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council;
Except where modified by the conditions of approval and any approval issued there under; and
(b) any approval issued under this approval; and
(c) any development permit for operational works relating to the reconfiguring of a lot;

Drainage/Stormwater

4. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

Public Utility Services

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

Water Supply

6. Evidence must be provided by a suitable qualified person and to the satisfaction of the Chief Executive Officer that proposed Lots 1 and 2 can be serviced with an appropriate onsite potable water supply, at no cost to Council.

Advice Only;

- *Unless otherwise specified by these conditions, the conditions must be complied with prior to approval of the Plan of Survey.*
- *Any future on-site sewerage treatment and disposal on the proposed lots must be in accordance with the On Site Sewerage Code and AS/NZS 1547:2000.*
- *A Development Application for building works which include habitable rooms may have to include a 1% AEP Flood Certificate. N.B. this applies in Localised and River Flood areas as identified in Burdekin Shire Councils mapping.*

Resolution

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

CARRIED

10.11am - Mr. Stockdale entered the meeting.

7.3.2. Endorsement of the Amendments to the Draft Planning Scheme after the Second Round of Public Notification

Ms Lisa Parker, Manager, Pioneer Canegrowers Organisation Limited was invited by the Mayor to briefly address the meeting to provide feedback on matters within the proposed Amendments to the Draft Planning Scheme, relating to Operation Work – excavation and/or filling in the Rural Zone after the Second Round of Public Notification.

Executive Summary

As part of the plan making process, after considering all properly made submissions received during public consultation for the draft Planning Scheme the Local Government must firstly give the Minister a notice to request adoption of the planning scheme. After Ministerial approval the Local Government must then decide to adopt the proposed planning Scheme through a formal Council Resolution including reference to the Consultation Report.

The first step in this process is to seek endorsement from Council for the amendments made to the Draft Scheme after the second round of public notification.

Recommendation

Council endorses the amendments to the draft planning scheme for lodgement to the Department of State Development, Infrastructure, Local Government and Planning for review.

Resolution

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

CARRIED

10.26am - Mr. Pearce and Ms. Bradford left the meeting.

7.4. TECHNICAL SERVICES

7.4.1. Temporary Road Closure - McNee Road, Clare

Executive Summary

Request for Council's views on an application for a temporary 38 metre road closure over a part of McNee Road, Clare for agriculture and primary production purposes.

Recommendation

That Council resolves to offer no objection to the proposed temporary road closure over part of McNee Road, Clare.

Resolution

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

CARRIED

10.28am - Mr Stockdale left the meeting.

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

12. CLOSED BUSINESS ITEMS

13. DELEGATION

There being no further business the meeting closed at 10.43am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 8 March 2021.

MAYOR

5.1.1. CEO

Council Workshops - February 2022

File Reference: 1394
Report Author: Terry Brennan, Chief Executive Officer
Authoriser: Terry Brennan, Chief Executive Officer
Meeting Date: 8 March 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027:

5.2.1 Demonstrate open and transparent leadership

Executive Summary

The Council conducted two (2) general workshops in February 2022, with workshops held on 1 and 15 February 2022. A range of policy and operational issues were discussed by Councillors and staff at the workshops.

A summary of the items discussed at the workshops is outlined in the report.

Recommendation

That the report on the Council Workshops held on 1 and 15 February 2022 be received and noted.

Background

The Council has implemented governance arrangements based on it holding Council meetings on a fortnightly basis each month, with exception of December and January each year, where one meeting is held in each month. Similar arrangements apply to the conduct of workshops which are held on the alternate week to Council meetings.

Workshops were held on 1 and 15 February 2022, covering a broad range of policy and operational issues. External parties also attended to present on some of the issues contained in the workshop agendas.

A brief summary of the issues discussed at the workshops are outlined below:

1 February 2022

- Caravan Parking in Graham Street, Ayr
- Anzac Park Play Equipment Renewal
- Plantation Park Markets - Home Hill Rotary Club
- Home Hill Boat Club –Installation of Solar Panels at Groper Creek
- Consultation on Regional Drought Resilience Plan for Burdekin/Charters Towers
- Proposal from Smart Precinct NQ and Small Business Friendly Council Charter
- Update on Q2 Operational Plan Report
- Draft Corporate Plan – Community Consultation Feedback
- Home Hill Court House Lease
- Request for Tender – Agricultural Lease – Ayr Aerodrome
- Funny Dunny Park Operations – March to September 2022
- Proposed Approach to Development of Aquatic Strategy

15 February 2022

- Development Application – Material Change of Use – 145/149 Queen Street, Ayr
- Development Application – Material Change of Use – 139/143 Queen Street, Ayr
- Application for Reconfiguring a Lot – 77 Bartlett Road, Horseshoe Lagoon
- Request for 15 Minute Parking Bays – Queen Street, Ayr
- Burdekin Brass Band – Memorial Park Masterplan
- Lease of Reserve Land for Grazing Purposes – Rita Island/Jarvisfield
- Review of Energy from Waste (EfW) Presentation from NQROC
- Update on Flying Fox Roosting in Home Hill
- Update on Interim Results from Macro-algae Trial – Ayr WWTP
- Project Update – Burdekin Water Park Project

Consultation

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

Budget & Resource Implications

Not Applicable.

Legal Authority & Implications

Not Applicable.

Policy Implications

Any policy proposals are subsequently referred to a Council Meeting via a report for consideration and if approved, formal adoption.

Risk Implications (Strategic, Operational, Project Risks)

Strategic Risk due to possible reputation damage if policies are not effectively developed with input and support from Councillors.

Attachments

None

6.3.1. FINANCIAL AND ADMINISTRATIVE SERVICES

Revised Records Governance Policy

File Reference: 1893
Report Author: Anne-Maree Dale, Administration and Records Coordinator
Authoriser: Kim Olsen, Manager Financial and Administrative Services
Meeting Date: 8 March 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2021-2022

AR4 Ensure compliance with Queensland State Archives schedules for the retention and disposal of paper-based corporate records.

Executive Summary

The purpose of this policy is to provide a framework for the governance of recordkeeping within Council, ensuring it is managed in accordance with relevant legislation, policies, standards and guidelines.

Recommendation

That Council adopts the Records Governance Policy as attached to this report.

Background

On 29 June 2018, the State Archivist released the Records Governance Policy as part of the Queensland State Archives Recordkeeping Transformation Program. This policy was developed following a review of the existing Information Standards IS31 Retention and Disposal of Public Records and IS40 Recordkeeping and included widespread consultation with all public authorities.

Burdekin Shire Council was included in the consultation process and provided feedback on the draft Records Governance Policy. The policy was released on 1 July 2018 under the Queensland Government Chief Information Office (QGCIO) Queensland Government Enterprise Architecture (QGEA) and is applicable to all public authorities covered by the Public Records Act 2002.

With the release of the Records Governance Policy, IS31 and IS40 were repealed. Following adoption of the State Policy, it was recommended public agencies adopt their own Records Governance Policy to align.

This policy continues to align with the State Policy, with the new inclusion of a Risk Management section.

Consultation

Council's Senior Leadership Group reviewed the revised policy in February 2022. The revised policy was discussed at a Council Workshop on Tuesday, 1 March 2022.

Budget & Resource Implications

Not Applicable.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

The adoption of the Records Governance Policy helps to ensure that Council maintains transparency, accountability and adherence to the governance framework. It mitigates records governance risks by ensuring that records are managed, discoverable and preserved, that unauthorised disclosure/access is managed by utilising confidential classes on relevant documents and that all Council Staff are aware of their record responsibilities.

Attachments

1. Records Governance Policy

Policy Type	Corporate
Function	Information Management
Policy Owner	Chief Executive Officer
Policy Contact	Administration and Records Coordinator
Effective Date	

Purpose

To provide a framework for the governance of recordkeeping within Council ensuring it is managed in accordance with relevant legislation, policies, standards and guidelines.

Scope

This policy applies to:

- All Council employees, contractors and Councillors.
- All aspects of Council's business, all records created during business transactions (both internal and external), metadata, and to all business applications used to create records including physical (hard copy) records, digitised and scanned records, electronic records including emails, records held in databases or on websites and other technology dependent records.

Policy Statement

Records are a corporate asset. They form the corporate memory and support accountability by providing evidence. They assist Council to make use of organisational knowledge and experience, contribute to informed decision-making and better performance of business activities and improved customer service, program delivery and risk management.

The systematic creation and capture of administrative records is therefore fundamental to the efficient and effective functioning of Council's processes and to protecting its corporate memory. Business activities of Council will be documented, recorded and managed to protect the integrity, enhance proficiency, provide transparency and preserve the history of Council.

ECM is Council's principal recordkeeping system for the capture of all corporate information in all formats. This will enhance an integrated process for records creation, storage and archiving systems across Council.

Policy Requirement 1: Council must ensure records management is supported at all levels of business

Council must ensure records management is everyone's responsibility. This means it must be supported across all areas and all levels of the business by:

- Assigning formal records management responsibilities to key roles within the business to monitor and support the active implementation of this policy.
- providing appropriate advice and guidance to ensure the business is aware of the value of records and information and how this relates to their obligations and responsibilities as an employee.
- fostering a positive, innovative and collaborative recordkeeping culture.

Policy Requirement 2: Council must systematically manage records using governance practices that are integrated and consistent

Consistent and aligned governance practices provide a strong foundation for systematically managed records and information across all functions of Council. Records governance must work within the Council's existing structure and governance and strengthen Council's strategic goals and functions.

Council must systematically manage records and information by:

- ensuring records and information governance is aligned across Council and incorporated in business strategies and objectives.
- developing and implementing appropriate and fit-for-purpose documentation that details how active records management will strengthen Council's business imperatives and strategic goals.
- complying with relevant legislation that governs recordkeeping requirements.
- measuring how well records governance is supporting Council's imperatives and strategic goals.

Policy Requirement 3: Council must create complete and reliable records

Complete and reliable records provide evidence of activities of Council and allow the business to operate effectively. Council must ensure complete and reliable records are created and retained as appropriate by:

- identifying all the records that allow the business to operate – these provide evidence of decisions, support accountability and transparency, mitigate risk, help Council meet legislative requirements and reflect the business of Council.
- specifying how these records must be created, when they must be created, the format they must be created in, who must create them and implementing security and preservation requirements associated with those records.
- integrating record creation into existing business processes.
- ensuring recordkeeping is considered when decisions are made about business systems (particularly decision around migration and end of life).

Policy Requirement 4: Council must actively manage permanent, high-value and high-risk records and information as a priority

'Permanent' records are those with a permanent retention period. 'High value' records are those that are important to the business, its operations, or stakeholders. 'High-risk' records are those that pose a significant risk to Council if they were misused, lost, damaged or deleted prematurely. These records should have the highest priority for Council when developing and implementing its governance practices. Council must actively manage permanent, high-value and high-risk records by:

- defining the criteria and processes for identifying permanent, high-value and high-risk records, including transfer of permanent value records to Queensland State Archives.
- formally documenting details of permanent, high-value and high-risk records.
- actively maintaining visibility of these records while they are being used, including monitoring processes for permanent, high-value and high-risk records held in business systems and applications.

Policy Requirement 5: Council must make records discoverable and accessible for use and re-use

Discoverable records are those that are in business systems and applications approved for use by Council. Accessible records are those that can be located and continuously used. Council must ensure complete and reliable records are discoverable, accessible and are able to be used and re-used for their entire life by:

- keeping records in business systems and applications approved for use by Council.
- being able to discover and appropriately access records, with confidence in sufficiency of search.
- actively monitoring the health of records.

Policy Requirement 6: Council must dispose of records in a planned and authorised way

Council must plan for how and why they will dispose of records, using a risk based approach. Records must be disposed of in a planned and authorised way by:

- using the disposal authorities issued by the State Archivist, that provide proper coverage of the specific records you create and keep.
- developing and implementing a disposal plan, which details disposal decisions and actions for Council. The plan must, at a minimum, cover:
 - disposal endorsement, including how internal endorsement is given
 - disposal methods, including how records will be disposed of (physical and digital)
 - disposal frequency, including specifying how often certain types of records will be disposed of.
- formally documenting the disposal of records.

Exceptions

Nil.

Objectives

The objectives of this policy are to ensure:

- a strong foundation is provided for systematically and effectively managing complete and reliable records and information.
- Council records are actively managed and preserved to support ongoing business activities and customer services, meeting accountability requirements and community expectations.
- increased discoverability and accessibility of records and information.
- compliance with legislative, administrative and business requirements.
- sound Records Management practices and procedures are fully integrated into all aspects of Council business.
- all Council employees, contractors and Councillors are aware of their recordkeeping responsibilities.

Risk Management

The policy supports Council's strong commitment to transparency, accountability and adherence to the governance framework. It mitigates records governance risks by ensuring that records are managed, discoverable and preserved, that unauthorised disclosure/access is managed by utilising confidential classes on relevant documents and that all Council staff are aware of their record responsibilities.

Legislation

Local Government Act 2009 (Qld)

Public Records Act 2002 (Qld)

Definitions and Abbreviations

Business Activities	is a broad term covering all functions, processes, activities and transactions of Council and its workers.
Council	means Burdekin Shire Council.
ECM	means TechnologyOne's Enterprise Content Management System.
Metadata	is identifying information collected with a record at the point of capture to enable cataloguing and searching. It also accrues throughout the life of a record to provide information on how a record has been used or managed and is essential for preserving the authenticity of records. It can be used to describe physical items as well as digital items in detail to ensure greater information accessibility and improved records management.
Record	means information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business.
Recordkeeping	refers to making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

Related Documents

Reference Number	Document Title
QGEA Website	Records Governance Policy
QGEA Website	Records Governance Policy Implementation Guidelines
QGEA Website	Information Management Policy Framework (IMPF)
ICT-POL-0004	Information Security Policy
Qld Gov Website	Local Government Sector Retention and Disposal Schedule (QDAN480v.4)
Qld Gov Website	General Retention and Disposal Schedule (GRDS)

Document History and Version Control

Title of Document	Records Governance Policy
Document Reference Number	ACR-POL-0001 Rev 1
Review Schedule	36 months
Council Meeting Date	
Council Resolution Number	

6.4.1. GOVERNANCE

Delegations of Power to the Chief Executive Officer

File Reference: 405
Report Author: Stevie Moffat, Governance Support Officer
Authoriser: Terry Brennan, Chief Executive Officer
Meeting Date: 8 March 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2021-2022

CG12 Continue the review and update of Council's Delegations Register.

Executive Summary

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

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

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

LGAQ has recently provided an update to the Delegations Register Service with details of reprints, and new registers which include:

- *Electrical Safety Act 2002*
- *Electrical Safety Regulation 2013*
- *Medicines and Poisons Act 2019*
- *Medicines and Poisons (Pest Management Activities) Regulation 2021*
- *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*
- *Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation 2021*
- *Working with Children (Risk Management and Screening) Act 2000*

Further, amendments were made in 2021 to *Local Law No. 3 (Community and Environmental Management) 2012* and *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.

Approval is now sought by Council to delegate all such powers to the Chief Executive Officer, and include these new registers in Council's 'Register of Delegations - Council to CEO Schedule 1 and 2' (attached).

Recommendation

That, pursuant to section 257 of the *Local Government Act 2009*, all powers referred to in the 'Register of Delegations - Council to CEO Schedule 1 and 2' (attached), are delegated by Council to the Chief Executive Officer.

Background

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

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

The legislative framework to undertake delegations are as follows:

- Section 257 of the Act allows a Council to delegate a power, other than where an Act specifically states that the power must be exercised by Council resolution;
- Section 257(1)(b) of the Act provides for a power to be delegated to the Chief Executive Officer;
- Section 259 of the Act allows the Chief Executive Officer to on-delegate their powers to an appropriately qualified employee or contractor, other than where the local government specifically directs that the power not be further delegated or it is a power to keep a register of interests.

LGAQ has recently provided an update to the Delegations Register Service with details of reprints, and new registers which include:

- *Electrical Safety Act 2002*
- *Electrical Safety Regulation 2013*
- *Medicines and Poisons Act 2019*
- *Medicines and Poisons (Pest Management Activities) Regulation 2021*
- *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*
- *Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation 2021*
- *Working with Children (Risk Management and Screening) Act 2000*

Further, amendments were made in 2021 to *Local Law No. 3 (Community and Environmental Management) 2012* and *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.

It has been determined by the relevant managers and officers that the powers under this legislation is required, therefore approval is sought by Council to delegate powers to the Chief Executive Officer, and include these new registers in Council's 'Register of Delegations - Council to CEO Schedule 1 and 2' (attached).

Consultation

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

Consultation with relevant managers and officers to determine if the new registers are required.

Budget & Resource Implications

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

Legal Authority & Implications

Local Government Act 2009 (Qld) ss 257-60.

Local Government Regulation 2012 (Qld) reg 305.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

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

Further, this process is part of Council meeting its legislative delegation requirements under the Act. It is also a major part in Council eliminating legal non-compliance issues impacting upon the legal validity and enforceability of Council decisions, or Council's ability to legally enforce or litigate breaches of the applicable acts or regulations.

Attachments

1. Register of Delegations - Council to CEO

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

Delegation No.	Description of powers delegated	Resolution	Conditions and Limitations	Authority
1	To exercise all lawfully delegable powers under each of the local laws listed in Schedule 1, including any amendments thereto, and subordinate local laws made under those local laws.	Adopted: 27/09/2011 Amended: 14/02/2012 26/11/2013 09/09/2014	<ul style="list-style-type: none"> The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large. The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council. 	<i>Local Government Act 2009</i> (Qld) s 257.
2	To exercise all lawfully delegable powers under – <ul style="list-style-type: none"> each of the Acts listed in Schedule 2, including any amendments thereto, and regulations and other statutory instruments made under those Acts, and any other local government Acts that come into force, including any amendments thereto, and regulations and other statutory instruments made under those Acts. 	Adopted: 27/09/2011 Amended: 14/02/2012 26/11/2013 29/02/2016 13/01/2020 09/03/2021 13/07/2021	<ul style="list-style-type: none"> The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large. The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council. 	<i>Local Government Act 2009</i> (Qld) s 257.

Schedule 1 – Local Laws

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

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

Schedule 2 – Legislation

Aboriginal Cultural Heritage Act 2003
Acquisition of Land Act 1967
Animal Care and Protection Act 2001
Animal Care and Protection Regulation 2012
Animal Management (Cats and Dogs) Act 2008
Biosecurity Act 2014
Biosecurity Regulation 2016
Body Corporate and Community Management Act 1997
Body Corporate and Community Management (Accommodation Module) Regulation 2020
Body Corporate and Community Management (Commercial Module) Regulation 2020
Body Corporate and Community Management (Small Schemes Module) Regulation 2020
Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011
Body Corporate and Community Management (Standard Module) Regulation 2020
Building Act 1975
Building Regulation 2021
Coastal Protection and Management Act 1995
Disaster Management Act 2003
Disaster Management Regulation 2014
Economic Development Act 2012
Electrical Safety Act 2002
Electrical Safety Regulation 2013
Electricity Act 1994
Electricity Regulation 2006
Environmental Offsets Act 2014
Environmental Offsets Regulation 2014
Environmental Protection (Water and Wetland Biodiversity) Policy 2019
Environmental Protection Act 1994

Environmental Protection Regulation 2019
Fire and Emergency Services Act 1990
Food Act 2006
Food Production (Safety) Act 2000
Heavy Vehicle (Mass, Dimension and Loading) National Regulation
Heavy Vehicle National Law (Qld)
Heavy Vehicle National Law Regulation 2014
Human Rights Act 2019
Industrial Relations Act 2016
Industrial Relations Regulation 2018
Information Privacy Act 2009
Land Access Ombudsman Act 2017
Land Act 1994
Land Regulation 2020
Land Title Act 1994
Land Valuation Act 2010
Liquor Act 1992
Local Government Act 2009
Local Government Regulation 2012
Medicines and Poisons Act 2019
Medicines and Poisons (Pest Management Activities) Regulation 2021
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021
Mineral and Energy Resources (Common Provisions) Act 2014
Mineral Resources Act 1989
Mining and Quarrying Safety and Health Act 1999
Mining and Quarrying Safety and Health Regulation 2001
Nature Conservation Act 1992
Nature Conservation (Animals) Regulation 2020

Peaceful Assembly Act 1992
Planning Act 2016
Planning Act 2016 - Development Assessment Rules
Planning and Environment Court Act 2016
Planning Regulation 2017
Plumbing and Drainage Act 2018
Plumbing and Drainage Regulation 2019
Public Health (Infection Control for Personal Appearance Services) Act 2003
Public Health Act 2005
Public Health Regulation 2018
Public Interest Disclosure Act 2010
Public Records Act 2002
Queensland Heritage Act 1992
Queensland Reconstruction Authority Act 2011
Rail Safety National Law
Residential Services (Accreditation) Act 2002
Residential Tenancies and Rooming Accommodation Act 2008
Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020
Right to Information Act 2009
River Improvement Trust Act 1940
Safety in Recreational Water Activities Act 2011
Standard Plumbing and Drainage Regulation 2003
State Penalties Enforcement Act 1999
State Penalties Enforcement Regulation 2014
Statutory Bodies Financial Arrangement Act 1982
Stock Route Management Act 2002
Strong and Sustainable Resource Communities Act 2017
Summary Offences Act 2005

Summary Offences Regulation 2016
Survey and Mapping Infrastructure Act 2003
Tobacco and Other Smoking Products Act 1998
Torres Strait Islander Cultural Heritage Act 2003
Transport Infrastructure (Public Marine Facilities) Regulation 2011
Transport Infrastructure (Rail) Regulation 2017
Transport Infrastructure (State Controlled Roads) Regulation 2017
Transport Infrastructure Act 1994
Transport Operations (Marine Pollution) Act 1995
Transport Operations (Marine Safety) Act 1994
Transport Operations (Marine Safety) Regulation 2016
Transport Operations (Road Use Management) Act 1995
Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015
Transport Operations (Road Use Management – Road Rules) Regulation 2009
Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021
Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2021
Trusts Act 1973
Waste Reduction and Recycling Act 2011
Waste Reduction and Recycling Regulation 2011
Water Act 2000
Water Fluoridation Act 2008
Water Fluoridation Regulation 2020
Water Regulation 2016
Water Supply (Safety and Reliability) Act 2008
Work Health and Safety Act 2011
Work Health and Safety Regulation 2011
Workers’ Compensation and Rehabilitation Act 2003
Workers’ Compensation and Rehabilitation Regulation 2014

Working with Children (Risk Management and Screening) Act 2000

6.4.2. GOVERNANCE

Investigation of Inappropriate Councillor Conduct Policy

File Reference: 1939
Report Author: Rebecca Stockdale, Senior Governance Officer
Authoriser: Nick O'Connor, Director Corporate and Community Services
Meeting Date: 8 March 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

5.2.2: Responsibly manage Council's financial position to ensure sustainability.

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Executive Summary

In accordance with Section 150AE of the *Local Government Act 2009* Council is required to adopt a policy dealing with how it will manage complaints referred by the Independent Assessor regarding inappropriate councillor conduct. Inappropriate Councillor conduct is conduct which is contrary to the adopted Councillor Code of Conduct or is contrary to any adopted Policies, Procedures or Resolutions of Council. Three instances of Unsuitable Meeting Conduct is also considered to be Inappropriate Councillor Conduct. The policy does not relate to more serious Councillor conduct matters such as Misconduct or Corrupt Conduct.

Recommendation

That Council adopts the revised Investigation of Inappropriate Councillor Conduct Policy as attached to this report.

Background

Following the introduction of a new Councillor complaints framework, Council adopted the Investigation of Inappropriate Councillor Conduct Policy in 2018 as part of a suite of model documents developed by the Department of Local Government. The policy has been reviewed and updated to reflect changes to the model policy provided by the Department.

Consultation

The revised policy was discussed at a Council Workshop on 1 March 2022.

Budget & Resource Implications

This policy makes provision for the Mayor to engage an external investigator if necessary, which may have a financial impact. The policy also makes provision for Council to order the Councillor who is the subject of a complaint of inappropriate conduct to reimburse Council for all or some of the costs arising from the inappropriate conduct.

Legal Authority & Implications

Local Government Act 2009

Policy Implications

This policy will be updated on Council's website and Council's Policy Register.

Risk Implications (Strategic, Operational, Project Risks)

Adoption of this policy helps to mitigate against the risk of non-compliance with legislation. Council is required to adopt a policy dealing with how it will investigate matters referred by the Independent Assessor. The policy also reduces the risk of mishandling investigations of inappropriate Councillor conduct by ensuring there is a clear process to follow.

Attachments

1. Investigation of Inappropriate Councillor Conduct Policy

Policy Type	Statutory
Function	Governance
Policy Owner	Chief Executive Officer
Policy Contact	Director Corporate and Community Services
Effective Date	26 November 2019

Purpose

This policy is Burdekin Shire Council's policy for how complaints about the inappropriate conduct of Councillors will be dealt with as required by the section 150AE of the Local Government Act 2009 (the LGA). However, this policy does not relate to more serious Councillor conduct.

Scope

This policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the Local Government. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to the local government may be contrary to section 171(3) of the LGA and dealt with as misconduct

Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

Natural justice or procedural fairness, refers to three key principles:

- the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing);
- the investigator(s) should be objective and impartial (absence of bias), and
- any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

Assessor's Referral

The Council may receive from the Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s. The referral notice will include details of the conduct and any complaint received about the conduct, state why the assessor reasonably suspects that the councillor has engaged in inappropriate conduct, and include information about the facts and circumstances that form the basis of the assessor's reasonable suspicion.

The referral notice may be accompanied by a recommendation from the assessor about how the local government may investigate or deal with the conduct. The recommendation of the assessor may be inconsistent with this policy.

The investigation must be conducted in a way consistent with:

- (i) any recommendation of the assessor
- (ii) to the extent that this policy is not inconsistent with the recommendation of the assessor – this investigation policy, or
- (iii) in another way the local government decides by resolution.

A resolution under subsection (iii) must state the decision and the reasons for the decision.

Receipt of Assessor's Referral

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Council's Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors other than the councillor who is the subject of the complaint, or the complainant if the complainant is a councillor, as a confidential document.

Should the Mayor or a Councillor/s (disagree with any recommendation accompanying the Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting for the council to decide, by resolution the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council's meeting procedure requirements.

Investigator

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct that in the circumstances, the Mayor believes, it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer may refer the suspected inappropriate conduct to the President of the Councillor Conduct Tribunal, or another entity, to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves:

- an allegation about the conduct of the Mayor, or
- the Mayor as the complainant, then

the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

Early Resolution

Before beginning an investigation, the investigator must consider whether the matter is appropriate for resolution prior to the investigation. This consideration includes any recommendation made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter both voluntarily agree to explore early resolution. The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.

Timeliness

The investigator will make all reasonable endeavors to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.

Assistance for Investigator

If the Mayor is the investigator of a matter of suspected inappropriate conduct, the Mayor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

Possible Misconduct or Corrupt Conduct

If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.

Completion of Investigation

On the completion of an investigation, the investigator will provide a report to the Council outlining as appropriate:

- the investigation process
- any witnesses interviewed
- documents or other evidence obtained
- a statement of the relevant facts ascertained

- confirmation that the subject councillor has been provided with an opportunity to respond to the complaint and the evidence gathered
- the investigation findings
- a statement of any relevant previous disciplinary history
- any recommendations about dealing with the conduct
- a record of the investigation costs

The Council (with the exception of the councillor the subject of the investigation and the complainant, if another councillor) will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

The Chief Executive Officer is also required to ensure the details are entered into the councillor conduct register.

If there is a risk to the health and safety of the complainant, under s254J of the LGR Council may resolve that the meeting be closed to the public for the councillors to consider the investigation report and any recommendations. In accordance with s254J(6) of the LGR, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has been re-opened to the public and the decision recorded in the meeting minutes.

Provisions for internal and external review of decisions are set out in sections 150CO to 150CS of the LGA.

Disciplinary action against Councillors

If the Council decides at the completion of the investigation that the councillor has engaged in inappropriate conduct, the Council may:

- (i) order that no action be taken against the councillor; or
- (ii) make an order outlining action the Councillor must undertake in accordance with section 150AH(1)(b) of the LGA.

Notice about the outcome of the Investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation and the subject Councillor.

Councillor Conduct Register

The Chief Executive Officer must ensure decisions about suspected inappropriate conduct of a Councillor/s must be entered into the Councillor conduct register.

Where a complaint has been resolved under section 10 of this policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

Expenses

Council must pay any reasonable expenses of Council associated with the informal early resolution or investigation of suspected inappropriate conduct of a Councillor including any costs of:

- the president of the Tribunal in undertaking an investigation for Council;
- an independent investigator engaged on behalf of, or by the Tribunal;
- an independent investigator engaged on behalf of or by the investigator;

- travel where the investigator needed to travel to undertake the investigation or to interview witnesses;
- seeking legal advice;
- engaging an expert.

Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.

Any costs incurred by complainants or the subject Councillors will not be met by Council.

Definitions and Abbreviations

Assessor	means the Independent Assessor appointed under section 150CV of the LGA.
Behavioural Standard	means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA.
Conduct	Includes: <ul style="list-style-type: none"> • failing to act; and • a conspiracy, or attempt, to engage in conduct
Councillor Conduct Register	means the register required to be kept by Council as set out in section 150DX of the LGA.
Inappropriate Conduct	see section 150K of the LGA.
Investigation Policy	refers to this policy, as required by section 150AE of the LGA.
Investigator	means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor.
LGA	means the <i>Local Government Act 2009</i>
Local Government Meeting	means a meeting of: <ul style="list-style-type: none"> • a local government; or • a committee of a local government.
Misconduct	see section 150L of the LGA.
Model Procedures	see section 150F of the LGA.
Natural Justice	a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.
Referral Notice	see section 150AC of the LGA.
Tribunal	means the Councillor Conduct Tribunal as established under section 150DK of the LGA.
Unsuitable Meeting Conduct	see section 150H of the LGA.

Related Documents

	Document Title
External Document Approved 4 August 2020	Code of Conduct for Councillors in Queensland
Revised 10/11/2020	Meeting Procedures
Revised 10/11/2020	Standing Orders for Council Meetings

Document History and Version Control

Title of Document	Investigation of Inappropriate Councillor Conduct Policy
Document Reference Number	GOV-POL-0016 Rev 1
Review Schedule	24 months
Council Meeting Date	
Council Resolution Number	1569041

6.4.3. GOVERNANCE

Sale of Vacant Freehold Land: 67 Mackenzie Street, Ayr and 69 Mackenzie Street, Ayr

File Reference: 882
Report Author: Tamara Bateman, Governance and Property Officer
Authoriser: Nick O'Connor, Director Corporate and Community Services
Meeting Date: 8 March 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

3.4.2: Review land supply and uses to meet community and business needs.

Burdekin Shire Council Operational Plan 2021-2022

CG5 Manage Council's Property portfolio (including the Ayr Aerodrome) in accordance with legislation with the timely reporting of matters to Council for approval.

Executive Summary

Council owns the vacant freehold lots located at 67 Mackenzie Street, Ayr and 69 Mackenzie Street, Ayr. The particulars of the lots are as follows:

Street address: 67 Mackenzie Street, Ayr
Real property description: Lot 6 on Registered Plan 708893
Zoning: Residential
Area: 1,012m² (about)

Street address: 69 Mackenzie Street, Ayr
Real property description: Lot 5 on Registered Plan 708893
Zoning: Residential
Area: 1,012m² (about)

Both 67 Mackenzie Street, Ayr and 69 Mackenzie Street, Ayr have been listed for sale since 2013 following a tender process. Given the recent movements in the property market, there is an opportunity for Council to reinvigorate interest in the two (2) properties.

Recommendation

That Council:

1. Set the list price for 67 Mackenzie Street, Ayr at \$115,000.00 negotiable;
2. Set the list price for 69 Mackenzie Street, Ayr at \$110,000.00 negotiable;
3. List 67 Mackenzie Street, Ayr and 69 Mackenzie Street, Ayr for sale with NQ Rural & Business Brokers, Raine & Horne (Ayr), Explore Property (Ayr) and Nutrien Harcourts McCathies subject to all agents agreeing to a standard rate of commission; and
4. Advertise the sale listings for 67 Mackenzie Street, Ayr and 69 Mackenzie Street, Ayr with NQ Rural & Business Brokers, Raine & Horne (Ayr), Explore Property (Ayr) and Nutrien Harcourts McCathies subject to all agents agreeing to a standard marketing fee.

Background

Records show that a transfer of 67 Mackenzie Street, Ayr and 69 Mackenzie Street, Ayr from William Frederick Huet and Maud Huet to Council was produced on 25 May 1950 and registered with the Registrar

of Titles Queensland on 29 May 1950.

In 2013, Council offered both properties for sale by public tender with the tender set to close on 7 March 2013. One tender was received and ultimately rejected by Council.

Following this, Council at its 12 March 2013 Ordinary Meeting resolved to set the price for 67 Mackenzie Street, Ayr at \$145,000.00 and the price for 69 Mackenzie, Ayr at \$140,000.00 and to engage all local real estate agents to sell the two (2) properties.

In 2015 Council officers sought and received advice from the six local agents in relation to the sale price for two (2) properties and the market condition. Council considered the advice at its 7 July 2015 Workshop and agreed to maintain the current prices on the properties, noting the prices were negotiable.

Over time, various offers were received by Council and subsequently rejected. The re-listing of the two properties is timely with the current property market showing positive sales statistics in the Burdekin region.

Consultation

NQ Rural & Business Brokers, Raine & Horne (Ayr), Explore Property (Ayr), Nutrien Harcourts McCathies, Council 1 March 2022 Workshop.

Budget & Resource Implications

Advertising and marketing fees, agent commission and any other costs associated with the sale and transfer of the two properties.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

Not Applicable.

Attachments

1. Aerial imagery - 67 Mackenzie Street and 69 Mackenzie Street, Ayr



7.1.1. ENVIRONMENTAL AND HEALTH SERVICES

Appointment of Consultant – Burdekin Shire Aquatic Strategy

File Reference: 2460
Report Author: Nick O'Connor, Director Corporate and Community Services
Authoriser: Terry Brennan, Chief Executive Officer
Meeting Date: 8 March 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

- 1.5.1: Encourage active communities through the provision and maintenance of recreational spaces.
- 3.3.2: Plan, build and maintain infrastructure that enhances and extends the life of community assets.
- 3.3.3: Develop and implement strategic infrastructure plans to inform the decision making process when planning for future infrastructure renewal and enhancements.
- 3.4.1: Support strategic projects that will contribute to liveability and economic growth in the Burdekin.
- 3.4.4: Implement the 10 Year Sport and Recreation Plan and provide innovative facilities that meet the current and future needs of our community.

Executive Summary

Council's 10-year Sport and Recreation Plan states as a short term priority the need to develop an aquatic facilities strategy to help guide future service delivery, asset management and facility management/maintenance regimes.

Since adoption of the Sport and Recreation Plan in July 2018, various discussions have been held regarding service delivery across the five publicly accessible pools within the Shire. Council's recent decision to allocate funds and subsequently appoint a contractor to build a water park located within the Ayr Swimming Pool complex has highlighted the need to develop the Shire-wide aquatic strategy as recommended by the Sport and Recreation Plan.

The purpose of this report is to seek Council approval to appoint Ross Planning Pty Ltd to prepare the Burdekin Shire Aquatic Strategy.

Recommendation

That Council:

1. notes the contents of this report and endorses the actions taken by staff to date on this matter; and
2. appoints Ross Planning Pty Ltd to complete the Burdekin Shire Aquatic Strategy for \$85,800.00 (GST exclusive).

Background

Burdekin Shire has five public pools, three of which support small communities with limited Council involvement. There are two 50 m pools however, only Home Hill Swimming Pool is open all year.

As some of the infrastructure is aging and participation trends are changing, Council's adopted 10 Year Sport and Recreation Plan recommends an aquatic strategy be prepared to consider the future use and management of all the pools and to prioritise future investment.

After discussion with Councillors at 1 February 2022 Council Workshop, staff sought proposals from three suitably qualified consultancy firms to complete the aquatic strategy. The firms approached were:

1. Ross Planning Pty Ltd
2. Otium Planning Group
3. CPR Group

The three firms outlined above have all undertaken significant strategic planning projects within the Shire and are confirmed pre-qualified firms on the Local Buy panel of providers.

Each firm was provided with a short project requirements statement which sought a 'reverse brief' from each of the firms outlining their proposed approach and price to completing the aquatic strategy.

The scope of the project is as follows:

Burdekin Water Spray Park/Ayr Swimming Pool

Prepare a Business Plan which:

- Captures existing operating income and expenditure
- Provides estimates of operating income and expenditure post the opening of the water spray park
- Presents options for a new charging regime (Council has undertaken some preliminary work on this to date)
- Investigates the cost/benefit of extending the opening hours post the opening of the water spray park
- Above water asset condition report

Clare and Millaroo Pools

- Document the current supervision/management practices at each pool and assess against relevant industry safety standards/codes
- Undertake a detailed condition audit of both pools
- Investigate future plant and facility maintenance needs
- Review current use and operating costs – needs analysis/cost
- Identify options for future service delivery

Home Hill Pool

- Determine scope of future facility enhancements
- Above water asset condition report

Giru Pool

- Document community use arrangements for the Education Queensland owned pool.

Following the written request for a project proposal, staff held a briefing session with each consultancy firms to ensure all parties had an opportunity to clarify Council's project scope and expectations.

Subsequent to the briefings outlined above, CPR Group withdrew from the procurement process.

Following receipt of the proposals from the remaining two consultancy firms staff undertook a multi criteria assessment of Ross Planning Pty Ltd and Otium Planning Group's submissions.

The submissions were assessed against the following criteria:

1. Experience in developing similar strategies
2. Key Personnel and skills
3. Methodology and Project Timeline
4. Price

After undertaking an assessment of the two proposals staff are recommending the appointment of Ross Planning Pty Ltd to complete the Aquatic Strategy.

Consultation

Council Workshops - 30 November 2021 and 1 February 2022.

Budget & Resource Implications

Funds will be sourced from Operational Reserves and approved through 2021/22 Revised Budget 2.

Legal Authority & Implications

Not Applicable.

Policy Implications

Council Purchasing Policy.

Risk Implications (Strategic, Operational, Project Risks)

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

Strategically and operationally the Aquatic Strategy Report is important as it will provide a guiding document and accurate information upon which Council can base significant strategic decisions regarding future development of the four pools under its control. The report will also provide relevant asset condition, safety and supervisory/management information on the operation of the pools which will enable Council to better implement its duty of care.

Attachments

None

7.3.1. PLANNING AND DEVELOPMENT

Development Application - Material Change of Use for a Café Including a Drive Through at 189-191 Queen Street, Ayr (Lot 1 on RP708528)

File Reference: MCU21/0010 (226)
Report Author: Megan Bradford, Planning Assistant
Authoriser: Nick Wellwood, Director Infrastructure Planning and Environmental Services
Meeting Date: 8 March 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

2.3.3: Support development, value-adding, diversification, and expansion to provide a sustainable economic base.

3.4.2: Review land supply and uses to meet community and business needs.

Burdekin Shire Council Operational Plan 2021-2022

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

PD5 Encourage and promote pre-lodgement meetings with developers to facilitate economic growth opportunities for the Burdekin Shire.

Executive Summary

Council has received a Development Application from 1895 Holdings Pty Ltd seeking a development permit for Material Change of Use for a Restaurant with a drive through facility at 189-191 Queen Street, Ayr (Lot 1 on RP708528).

The application is for a defined use and triggered a 'Code Assessable' Development Application in accordance with the provisions of the Burdekin Shire Council's IPA Planning Scheme (the scheme).

The application also required referral to the North Queensland State Assessment Referral Agency (NQSARA) having regard to matters of State Significance.

Recommendation

That Council note the Development Application approval for a Material Change of Use for a Restaurant with a drive through facility at 189-191 Queen Street, Ayr (Lot 1 on RP708528) subject to the attached conditions:

Background

Burdekin Shire Council acting as the Assessment Manager received a Development Application seeking approval for a Material Change of Use for a Restaurant with a drive through facility at 189-191 Queen Street, Ayr (Lot 1 on RP708528).

The land is zoned "Retail and Commercial" with the proposal triggering a Code Assessable Development Application. The application has been assessed against the relevant provisions of Burdekin Shire Council's IPA Planning Scheme.

The subject lot contains an existing commercial building that has historically had different tenancies with three or four different businesses operating at the same time and a residential unit on the upper floor. The

applicant intends to renovate and refurbish the existing shop and awning to create the restaurant and drive through. The specific outcomes and acceptable solutions of the relevant codes of the planning scheme have been considered in the assessment of the application.

Department of Transport and Main Roads (DTMR) have provided conditions of approval and amended the Northern Consulting Engineers Plan BNC0049-VSK01 to depict the proposed access/egress changes for the Queen Street frontage of the site.

Site Description and Surrounding Land Uses

The subject site is regular shaped with a land area of 1514m² located on the corner of Queen and Railway Streets, Ayr with an address of 189-191 Queen Street, Ayr. The block is currently improved with a highset commercial building with street access to both Railway and Queen Streets, Ayr.

The surrounding area is primarily commercial with various businesses consisting of automotive repairs, dentists, fast food outlets also with drive through facilities and a bottle shop. Two residences are also located to the south-west of the subject site on Railway Street, Ayr.

Conclusion

After consideration of the application including historical land uses, scale and supporting material, Council's Development Assessment Team (DAT) have recommended that the proposal be approved. In support of this recommendation, assessment of the proposal against the relevant sections of the planning scheme has demonstrated that the proposed development can generally comply. Specific reasonable and relevant development conditions of approval have been drafted to be included in any Decision Notice issued.

Consultation

All relevant Council Departments have been consulted. In accordance with requirements of the *Planning Act 2016*, the application was referred to NQSARA, with DTMR triggered due to Queen Street, Ayr being a State Controlled Road. Comments and /or development conditions will be included as part of any Decision Notice issued.

Budget & Resource Implications

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

Legal Authority & Implications

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

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

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

Attachments

1. Attachment 1 Development Conditions
2. Attachment 2 Proposed Plans and Site Maps

Attachment 1 – Development Conditions – MCU21/0010

General

- 1.1 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the applications supporting material, except where modified by the conditions of this Development Permit and any approval issued there under.
- 1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail.
- 1.3 The proposed development must comply with all Planning Scheme requirements as applying at the date of this approval, except as otherwise specified by any condition.

Approved Plans

2. (a) The proposed development must be completed and maintained generally in accordance with the applications supporting material including all drawings/documents identified in the Table below, except where modified by the conditions of this Development Permit and any approval issued there under.

Document	Plan Ref, Rev	Prepared by	Date
VEHICLE MOVEMENTS	BNC0049-VSK01	Northern Consulting Engineers and amended by DTMR	17/12/21 amended 8/2/22
SITE PLAN	Rev A		20/08/21
FLOOR PLAN	Rev A		20/08/21

- (b) Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written conditions(s) will prevail.
- (c) The proposed development must comply with all Planning Scheme requirements as applying at the date of this approval, except as otherwise specified by any condition.

Outstanding Charges

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

Notice of Intention to Commence the Use

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

Damage

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

Public Utility Services

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

Building

7. A development permit for Building Works is to be obtained before any assessable building works are carried out on the land the subject of the approval.

Access and Carparking

- 8.1 All footpath areas which will be traversed by traffic entering the development must be prioritised with “Keep Clear” linemarking to the satisfaction of the Chief Executive Officer.
- 8.2 Customer traffic must not queue in Railway Street.
- 8.3 The existing crossing for pedestrians across Railway Street must be relocated away from the drive through access.
- 8.4 The Southern proposed café parking space must be removed.
- 8.5 The remaining two proposed café parking spaces must be assigned “Café Parking Only” using appropriate signage and/or linemarked messaging.
- 8.6 The northern parking space must be assigned “Residence Parking Only” using appropriate signage and/or linemarked messaging.
- 8.7 Bollards must be installed to formalise the entrance from Railway Street.
- 8.8 The construction of any additional crossovers to give access to the land is to be the owner’s responsibility and to the satisfaction of the Chief Executive Officer.

Traffic Impact Assessment

9. A Traffic Impact Assessment must be submitted to, and endorsed by the Chief Executive Officer prior to the commencement of the use. The Traffic Impact Assessment must address all activities/operation associated with the development including, but not limited to:
 - Any traffic problems and safety issues relating to specific development.
 - Any impacts on the safety and efficiency of adjacent roads and footpaths
 - Provide engineering advice on access arrangements into and out of the site, and geometric requirements including upgrade requirements (if any) to adjacent roads and intersections.
 - Existing pedestrian movements and access along Queen Street
 - Existing pedestrian movements and access across Railway Street

Drainage

- 10.1 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.

- 10.2 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- 10.3 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

Operational Works











11. Where operational works are required to be carried out, the developer must, within the timeframe required by the Planning Act 2016 and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-
- (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is a current Registered Professional Engineer of Queensland; and
 - (b) certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;

Advice Only;

- *Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.*
- *The applicant must consult sub-tenancies to ensure they are aware of any impacts due to the proposed development.*
- *A Trade Waste permit may be required prior to operation of the proposed business.*
- *The activity must be operated in accordance with the Food Act 2006. It is advised to contact the Environment & Health Department in regards to licencing in accordance with the Food Act 2006.*
- *Waste and recycling services must be provided in accordance with Council's Waste Management Policy.*

Attachment 2 – Proposal Plans and Site Maps – MCU21/0010



 Rural	 Residential Low Density Sub Area	 Industry Investigation Sub Area
 Rural Nature Based Recreation Sub Area	 Retail and Commercial	 Public Purpose
 Rural Settlement Sub Area	 Industrial	 Village
 Residential	 Extractive Industry Sub Area	 Open Space & Recreation

