

# **MINUTES**

# ORDINARY COUNCIL MEETING

HELD AT COUNCIL ADMINISTRATION BUILDING, 145 YOUNG STREET, AYR

on 8 November 2022

**COMMENCING AT 9:00 AM** 

# **ORDER OF BUSINESS:**

#### 1. ATTENDANCE

Councillor Lyn McLaughlin, Councillor Sue Perry, Councillor John Furnell, Councillor Michael Detenon (Via Teleconference as arranged prior to the meeting and approved by the Chairperson), 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

Mr. K. Byers - Manager Technical Services (Part)

Mrs. K. Galletta - Manager Planning and Development (Part)

Mrs. K. Durrant - Traffic Management and Administrative Support Officer (Part)

Ms. C. Mannea - Cadet Engineer (Part)

Apologies - Councillor John Bonanno

- Councillor Kaylee Boccalatte

Minutes Clerk - Mrs. S. Iturriaga

# 1.1. Approved Leave of Absence - Councillor Boccalatte - 8 November 2022

# Resolution

Moved Councillor Perry, seconded Councillor Furnell that Councillor Boccalatte's request for leave of absence on 8 November 2022 be approved.

**CARRIED** 

# 2. PRAYER

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

# 3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

# 4. MINUTES AND BUSINESS ARISING

# 4.1. Ordinary Council Meeting Minutes - 25 October 2022

# Recommendation

That the minutes of the Ordinary Council Meeting held on 25 October 2022 be received as a true and correct record.

#### Resolution

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

**CARRIED** 

# 4.2. Burdekin Local Disaster Management Group Meeting Minutes - 21 October 2022

# Recommendation

That the minutes of the Burdekin Local Disaster Management Group meeting held on Friday 21 October 2022 be received as a true and correct record.

# Resolution

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

**CARRIED** 

# 4.3. Community and Cultural Development Advisory Group Meeting Minutes - 8 September 2022

# Recommendation

That:

1. the minutes of the Community and Cultural Development Advisory Group Meeting held on 8 September 2022 be noted.

# Resolution

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

# 5. EXECUTIVE

#### 5.1. CEO

# 5.1.1. Expansion of Ayr Industrial Estate – Application for Funding under Building Better Regions Fund

# **Executive Summary**

The Council purchased land adjoining the current Ayr Industrial Estate in 2019 to enable the provision of additional industrial land in the Shire. The cost of the required infrastructure to service the land is significant and support from federal and state governments has been sought to assist with the costs of undertaking Stage 1 of the project.

An application was submitted in February 2022 under Round 6 of the Federal Government's Building Better Regions Fund (BBRF) for infrastructure projects. Council had applied under a previous funding round of the BBRF for the project but was unsuccessful.

The assessment and allocation of funds under Round 6 of the BBRF did not occur prior to the federal election and the program was therefore subject to review by the new federal government.

The Council has recently received advice from the Federal Government that it has made changes to its regional grant programs. It has decided that the BBRF program, including Round 6, will be discontinued and no further funding will be available. A new Growing Regions program has been announced and guidelines for this program are under development. It is not known at this time when applications will be invited under this program.

To enable this project to proceed the Council will need to consider its options to allow for the possible commencement of works.

#### Recommendation

That Council officers undertake a review of the budget and scope of works for the earthworks component of Stage 1 of the Ayr Industrial Estate Expansion project and report back to Council, with a view to undertaking these works in the 2022/23 financial year.

#### Resolution

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

# 5.1.2. Council Workshop - October 2022

# **Executive Summary**

The Council conducted one (1) general workshop during October with the workshop held on 4 October 2022. The normal workshop program was varied during October due to attendance of council representatives at the LGAQ annual conference in Cairns during the third week of October.

A range of policy and operational issues were discussed by Councillors and staff at the 4 October workshop. A summary of the items discussed at the workshop is outlined in the report.

#### Recommendation

That the report on the Council workshop held on 4 October 2022 be received and noted.

# Resolution

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

**CARRIED** 

#### 5.2. ECONOMIC DEVELOPMENT

# 6. CORPORATE AND COMMUNITY SERVICES

# 6.1. CLIENT SERVICES

# 6.1.1. 2022 Burdekin Local Disaster Management Plan and Subplans.

# **Executive Summary**

On Friday 21 October 2022 the Burdekin Local Disaster Management Group approved the reviewed and updated 2022 Burdekin Local Disaster Management Plan and Sub Plans to be adopted at the next Burdekin Shire Council Meeting to be held on Tuesday 8 November 2022.

# Recommendation

That the Burdekin Shire Council receives and adopts the 2022 Burdekin Local Disaster Management Plan and Sub Plans as approved by the Burdekin Local Disaster Management Group on Friday 21 October 2022.

# Resolution

Moved Councillor Furnell, seconded Councillor Perry that the recommendation be adopted noting the following amendment:

1. that the metric conversion speed for wind gusts measurement of Cyclone Charlie be added to Annexure E - Burdekin Cyclone and Flooding Events

**CARRIED** 

9.27am - Ms. Durrant entered the meeting.

#### 6.2. COMMUNITY DEVELOPMENT

#### 6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

# 6.3.1. Sundry Debtors Recovery Policy

# **Executive Summary**

The Sundry Debtors Recovery Policy has been reviewed after being first implemented in 2019.

The purpose of the Sundry Debtors Recovery Policy is to provide a framework for timely and efficient recovery of overdue accounts for Council.

The outcome of the review was to implement a change to allow the Director Corporate & Community Services or Manager Financial and Administrative Services the ability to approve payment plans outside of the normal terms of the policy during extraordinary situations.

# Recommendation

That Council adopts the Sundry Debtors Recovery Policy as attached to this report.

#### Resolution

Moved Councillor Perry, seconded Councillor Musumeci that the recommendation be adopted subject to deleting the word "or" and replacing with the word "and" in the final sentence of the Payment Plan section of the policy.

# 6.4. GOVERNANCE

# 6.4.1. Trustee Lease - Part of Lot 123 on Crown Plan GS863 - Kennedy Street, Ayr - Burdekin Potters Inc.

# **Executive Summary**

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

Lessor: Burdekin Shire Council Lessee: Burdekin Potters Inc.

Leased Area: Lease 'A' in Part of Lot 123 on Crown Plan GS863

Term: 5 years plus 1 x 5 year Option

Expiry: 10 November 2027

# Recommendation

That Council agree to enter into a Trustee Lease with Burdekin Potters Inc. over part of Lot 123 on Crown Plan GS863 shown on attachment 1 as Lease 'A', for an initial five (5) year term with a five (5) year Option.

#### Resolution

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

**CARRIED** 

# 6.4.2. Operational Plan 2022/2023 Q1 Report

# **Executive Summary**

Council's adopted Operational Plan 2022/2023 details the activities and performance measures aimed at progressing the achievement of the adopted Corporate Plan 2022-2027. A report for the first quarter period, 1 July- 30 September 2022, has been prepared for Council.

This year Council has improved the alignment between Council's Corporate Plan Strategies and Objectives and the Operational Plan Targeted Activities by arranging the Operational Plan by the five key strategic pillars of the Corporate Plan - 1 Vibrant Community, 2 Prosperous Economy, 3 Resilient Infrastructure,4 Sustainable Environment and 5 High Performing Organisation. Performance during the first quarter period has been measured against a "traffic light" system as in previous years.

The graphs displayed at the beginning of the Q1 report demonstrate the traffic light status of activities aligned to the Corporate Plan Objectives, as numbered in the Corporate Plan 2022-2027.

# Recommendation

That Council adopts the Operational Plan 2022/2023 Q1 Report as attached to this report.

#### Resolution

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

**CARRIED** 

9.35am - Mrs. Galletta entered the meeting.

# 7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

#### 7.1. ENVIRONMENTAL AND HEALTH SERVICES

# 7.2. OPERATIONS

# 7.2.1. Adoption of Traffic Management for Community Events Policy

# **Executive Summary**

Traffic management for pre-approved Community Events is provided by Council to ensure compliance with the Austroads Guide to Temporary Traffic Management. The design and implementation of Traffic Management Plans and Traffic Guidance Schemes can only be conducted by suitably trained and qualified staff as described in Austroads Guide to Temporary Traffic Management Part 6 – Field Staff and Part 7 – Traffic Controllers.

Not for profit community organisations within the Burdekin Shire must first apply for in-kind support via the Burdekin Shire Council Community Assistance Policy. Once approved Council officers will develop and implement Traffic Management Plans and Traffic Guidance Schemes required to conduct the Community Event.

Approval for road closures and traffic management as part of Anzac Day commemorations is not required.

# Recommendation

That Council adopt the Traffic Management for Community Events Policy as tabled.

# Resolution

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

**CARRIED** 

9.40am - Mrs. Durrant left the meeting.

# 7.3. PLANNING AND DEVELOPMENT

7.3.1. Development Application Material Change of Use for Road and Machinery Transport Depot at 250 Woodstock Giru Road, Mount Surround.

# **Executive Summary**

Council is in receipt of a development application lodged by MacCallum Planning & Architecture on behalf of their client Griggs Haulage for a Material Change of Use for Road and Machinery Transport Depot on Rural zoned land described as Lot 36 on SP229028 and located at 250 Woodstock Giru Road, Mount Surround.

The application is to make lawful a use that has existed for over ten (10) years in this location.

The application was subject to an impact level of assessment and required referral to the State (for a premises adjoining a state controlled road - Woodstock Giru Road). No submissions were received during public notification and the State provided a conditioned approval for the access location.

The application is recommended for approval.

# Recommendation

That Council approve the proposed Material Change of Use for Road and Machinery Transport Depot on land described as Lot 36 on SP229028 and located at 250 Woodstock Giru Road, Mount Surround, subject to reasonable and relevant conditions, as listed below:

Condition Reason		Timing	
1 General and Administration			
<u>Com</u> 1.1	Compliance with Conditions  1.1 The Applicant is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Applicant.		At all times.
1.2	Where a discrepancy or conflict exists between the written condition(s) or requirements of the written condition(s) will prevail.	f the approval and the approved plans, the	
1.3	Where these conditions refer to 'Council' in relation to requiring Council to conferring on Council a function, <u>power</u> or discretion that role of the Council delegate appointed for that purpose by Council.		
1.4	1.4 The proposed development must comply in full with all conditions of this approval, relevant Planning Scheme requirements and the relevant Council polices, guidelines and standards, as applying at the date of this approval except as otherwise specified by any condition, to Council's satisfaction prior to the commencement of the use.		
Work	Works – Applicant's Expense		
1.5	1.5 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.		
Infras	Infrastructure Conditions		
1.6	All development conditions contained in this development approval about in Act 2016 (the Act), should be read as being non-trunk infrastructure conditional otherwise stated.	•	

Condition		Reason	Timing
Work	Works – Applicants Responsibility		
1.7	The Applicant must repair any damage to existing infrastructure (e.g. kerb a have occurred during any works undertaken as part of the development. And to the community, must be repaired immediately.		
Work	s – Design and Standard		
1.8	Unless otherwise stated, all works must be designed, <u>constructed</u> and n Council policies, guidelines and standards.	naintained in accordance with the relevant	
2	Approved Plans and Documents		
<u>Appr</u>	Approved Plans & Documents  The approved development completed and maintained ger		At all times.
2.1	The proposed development must be completed, comply with and maintained generally in accordance with drawings/ documents identified in the Table below, except as otherwise specified and/or amended by any condition of this approval.	accordance with the approved drawings and documents.	
2.2	The development must generally accord with the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.		
2.3	Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		

Condition		Reason	Timinç	]	
Ар	Approved Plans				
Dra	wing Title	Drawing	y/Revision		Date
Site	Plan	21026, 1	101, A		23.06.2022
As	sociated Reports				
De	velopment Application (including Response to Information Request)	prepare	d by MacCallum Planning and Architecture.		
3	Outstanding charges				
	All rates and charges (including 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.				
4	Operation of Use/Limitation of the Approval				
4.1	This approval is limited to 'Road and Machinery Transport Depot' defined by Schedule 1, Division 2 – Defined Uses and Use Clas Burdekin Shire IPA Planning Scheme.		The development must comply with all planning scheme requirements and definitions as <a href="mailto:approved,">approved,</a> and as conditioned by this development permit.		mes.
4.2	Specifically the approved use is to remain in accordance with the and intensity provided in this application and as set <u>out_on</u> the approposal plans listed in the table forming part of Condition 2.				
4.3	No other operations and/or activities are permitted that are of an inc scale/intensity to that approved by this permit.	reased			
5 5.1	Stormwater The approved development and use(s) must not interfere with the flow of stormwater in the locality in such a manner as to cause por concentration of stormwater on adjoining land or roads.		To ensure the premises appropriately manages and convey stormwater legally		

Cond	ition	Reason	Timing
5.3 a)	Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.  Should any alterations to the existing impervious area be required as result of achieving the requirements of the conditions of approval, a Stormwater Management Plan will be required to be submitted to Council for approval.  The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method of mitigation measures.	and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.	At all times.
6	undertake any works outlined in the report (if required) within three (3) months at no cost to Council.  Stormwater Quality Treatment		
6.1	The approved development must achieve the applicable stormwater management design objectives listed in Part G, Appendix 2 of the State Planning Policy, July 2017.	To manage and to minimise the risk of causing environmental harm to receiving waters, damage to council infrastructure, and unnecessary financial burdens to council and the community in accordance with relevant code/s and policy direction.	At all times.
7	Access, Parking and Traffic		
7.1	Car parking space, layout and accesses must remain in accordance with that existing and approved by the State where relevant and the provisions contained in the supporting material included in the report submitted with the application by MacCallum Planning and Architecture.	To ensure development is appropriately serviced by parking and access facilities	At all times.

Condition		Reason	Timing
7.2	Any changes to the approved road works, access and car parking will require further assessment from Council under separate application.	in accordance with relevant code/s and policy direction.	
8 8.1	Relocation of Services or facilities  Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council.	To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.	At all times.
9	Storage		
9.1	No goods and/or packaging material to be stored or left exposed on site. If storage is proposed, it must be suitably screened from view, to the satisfaction of the Chief Executive Officer.  Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.	To ensure the development does not have a detrimental effect on the visual amenity of the surrounding land in accordance with relevant code/s and policy direction.	At all times.
10	Soil Erosion Minimisation, Sediment Control		
10.1	Should any works that involve the exposure of earth occur on site, appropriate erosion and sediment control management must be undertaken (including installation of <a href="site-specific">site-specific</a> stormwater treatment devices) and maintained to the satisfaction of the Chief Executive Officer.	To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.	At all times during the construction phase.
11	Dust, Odour, Noise and Lighting Impacts		At all times.

Condi	tion	Reason	Timing
	Use of the site is to be operated in a way that protects the values of the existing environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting.	To ensure that the use does not cause a nuisance in accordance with the relevant provisions of the Queensland Environmental Protection Act 1994.	
	Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting.		
	In the event of a complaint being received by Council associated with the use, the developer/operator may be required to undertake an impact assessment addressing these matters in accordance with the provisions of the relevant legislation, regulations, Australian <a href="Standards">Standards</a> and any other policies to the satisfaction of the Burdekin Shire Council.		
11.3.1	The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method of mitigation measures.		
11.3.2	The developer/operator must provide a copy of the report to Council and undertake any works outlined in the report (if required) within three (3) months at no cost to Council.		
12	Signage		
	Any signage to be associated with the use must be designed to satisfaction of Council.	To maintain amenity for the adjoining properties.	Prior to the commencement of the use.
	To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by council.		

Condition		Reason	Timing
13	Spillage Control		
13.1	All spillage of waste, oils, <u>chemicals</u> or similar materials shall be cleaned up as soon as practical. Such spillage shall not be cleaned up by hosing, sweeping or otherwise releasing such wastes or contaminants to the land, <u>stormwater</u> or any roadside gutter.	To ensure that if a spill occurs there are adequate control measures in place.	At all times.
13.2	A spill kit must be maintained on site for use on spillages of any materials stored on site and be readily accessible at all times.		

Advice	
Infrastructure Charges	
Not applicable.	
2. General	
Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.	
3. Further Approvals Required	
Not applicable.	
4. Further Inspections Required	
Not applicable.	

5. Waste Management	
5.1 The activity must be operated in accordance with Council's Waste Management Policy.	
6. Acid <u>Sulfate</u> Soils Management	
The site is mapped as having contours between AHD5.0m to AHD20.0m. Should any works be proposed where the	
investigations reveal the presence of potential or actual acid sulfate soils, a draft environmental management plan used to	
identify and manage potential adverse impacts is to be submitted to Council's for review and approval.	
7. On-site Sewage Disposal	
The development site is not located within a service area for a sewerage service under the Water Supply (Safety and Reliability)  Act 2008.	
If required the development must be appropriately serviced by a wastewater treatment and disposal facility that is appropriate	
for the level of demand generated by the development, with an application to be lodged with Council for assessment and approval before any building work or installation of an on-site facility can be carried out.	
8. On-site Water Supply	
The development is not located within a service area for a reticulated water service.	
If required, a private water supply must be provided in accordance with relevant code/s and policy direction.  An application is to be lodged with Council for assessment and approval before any building work or installation of an on-site	
facility can be carried out.	

# Resolution

Moved Councillor Furnell, seconded Councillor Perry that the recommendation be adopted noting the following amendments:

- 1. section 1.3 Compliance with Conditions, replace the words "by a delegate appointed for that purpose by Council" with "by an Officer acting under appropriate delegation"
- 2. section 1.5 Work the words "or relevant utility provider" be removed from the Recommended Conditions of Approval

- 9.42am Ms. Mannea entered the meeting.
- 9.53am Mrs. Galletta left the meeting.
- 9.55am Mr. Byers entered the meeting.

# 7.4. TECHNICAL SERVICES

# 7.4.1. Proposals Received for Tender TBSC/22/009 Elisa Road Mount Kelly Water Main Replacement

# **Executive Summary**

The Mount Kelly water supply network is reaching its end of life with numerous breaks being repaired throughout the year. It has been proposed and accepted as part of the current financial year budget to undertake the replacement of a section of rising water main to aid in the reliability of the Mount Kelly Water supply.

This report analyses the results of the tenders that have been received for TBSC/22/009 Elisa Road Water Main Replacement Construction and recommends the successful construction contractor to complete the required works.

#### Recommendation

It is recommended that Council accepts the fixed price tender of \$204,187.16 excluding GST from Roebuck Civil as this is the most advantageous tender received for TBSC/2/009 Elisa Road Water Main Construction.

# Resolution

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

**CARRIED** 

10.02am - Ms. Mannea left the meeting.

# 7.4.2. Contracts for Engineering Services with Trinity Engineering and Consulting Executive Summary

Council has called two quotations for engineering consultancy services with both contracts awarded to Trinity Engineering and Consulting. The total of the two current contracts is in excess of \$200,000.00 (ex GST) and is categorized as a large-sized contractual arrangement defined by Section 224(3) of the Local Government Regulation 2012 and Council's 2022/23 Procurement Policy.

A large-sized contract is required to follow the tender process unless the contract meets the requirements of an exception identified in Chapter 6, Part3, Division 3 of the Regulation. The contracts have been awarded under Local Buy BUS262-0317 which is an LGA arrangement identified in the Regulation as an exception.

This report is to advise Council that the contracts awarded to Trinity during the 2022/23 financial year comply with the requirements of the Regulation. Council will comply with Section 237 of the Regulation relating to publishing details of contractual arrangements.

#### Recommendation

#### That Council:

- 1. Notes the acceptance of current contracts with Trinity Engineering and Consulting have been completed under an LGA arrangement in accordance with the *Local Government Regulation 2012* and Council's Procurement Policy; and
- 2. Acknowledges the estimated total value of the current proposed contracts with Trinity Engineering and Consulting entered during the current financial year is categorised as a large-sized contractual arrangement as defined by Section 224(3) of the *Local Government Regulation 2012* and would normally require written tenders to be invited prior to entering into a large-sized contract; and
- 3. Agrees, that in accordance with Section 234 of the *Local Government Regulation 2012* the combined current and potential future contracts with Trinity Engineering and Consulting under an LGA arrangement through Local Buy are not required to follow a tender process; and
- 4. Agrees to enter into any future contracts with Trinity Engineering and Consulting throughout the current financial year should they be the most advantageous supplier following the quotation assessment process for each quotation.

# Resolution

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

**CARRIED** 

10.11am - Mr. Byers 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 10.57am.	
These minutes were confirmed by Council at the Ordinary Council Meeting held on 22 November 2022.		
MAYOR		