



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 28 February 2023

COMMENCING AT 9:03 AM

ORDER OF BUSINESS:

1. ATTENDANCE

Councillor Lyn McLaughlin, Councillor Sue Perry, Councillor Kaylee Boccalatte, 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

Mr. T. Blackwell - Manager Community Services (Part)

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

Mr. D. Mulcahy - Manager Environmental and Health Services (Part)

Mrs. K. Olsen - Manager Financial and Administrative Services (Part)

Mrs. S. Smith - Community Engagement & Capacity Building Officer (Part)

Apologies - Councillor John Bonanno

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 McLaughlin advised she had a Declarable Conflict of Interest in relation to Item 7.1.1 Awarding of Tenders - TBSC/23/001 and TBSC/23/002 - Kirknie Landfill Leachate Hydraulics and Electrical Infrastructure Works as she and her husband are close family friends to the proprietor of Laser Electrical, Richard Bonato. Laser Electrical has submitted a tender to complete work prescribed in Item 7.1.1. Councillor McLaughlin advised of her intention to leave the meeting prior to this discussion.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 14 February 2023

Recommendation

That the minutes of the Ordinary Council Meeting held on 14 February 2023 be received as a true and correct record.

Resolution

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

CARRIED

4.2. Local Disaster Management Group Meeting Minutes - 25 November 2022

Recommendation

That the minutes of the Local Disaster Management Group Meeting held on 25 November 2022 be received as a true and correct record.

Resolution

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

CARRIED

9.13am - Mr. Blackwell and Mrs. Smith entered the meeting.

4.3. Audit Committee Meeting Minutes - 8 February 2023

Recommendation

Item 3 Minutes from the previous Audit Committee Meeting

That the minutes from the previous meeting held on 7 September 2022 be formally adopted by the Committee.

Item 4.2 Consider need for closed briefing session with Crowe Horwath/QAO

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

Item 5.1 Confirmation of Internal Audit Charter

That the Committee accepts the Internal Audit Charter and amendments.

Item 5.2 Internal Audit Report – Customer Request Management

That the Committee accept the Customer Request Management internal audit report and associated agreed management action items.

Items 6.1 and 6.2 Risk Management Committee minutes held on 30 November 2022 and 2 February 2023

That the Committee note the Risk Management Committee Meeting minutes from 30 November 2022 and 2 February 2023.

Item 6.3 BCP Testing Strategy and Schedule and BCP outstanding action items – Internal Audit

That the Committee accept the BCP Testing Strategy and Schedule and Agreed Management Action Items from the BCP Internal Audit with the amendment to the completion dates.

Item 6.4 Outcome of Internal Audit Performance Review

That the Committee accepts the results of the Internal Audit Annual performance Evaluation 2022.

Item 7.1 Results of Self-Assessment – Audit Committee Performance

That the Committee note the results of the Self-Assessment of Audit Committee Performance.

Item 7.2 Review/Confirm Audit Committee Charter

That the Committee agreed to table the Audit Committee Charter until amendments can be made to the Risk Management section. Mrs. Stockdale will amend the document and distribute to the Committee for feedback.

Item 8.1 Adoption of Schedule Dates and Agenda Items 2023

That the 2023 Audit Committee Schedule Dates and Agenda Items be formally adopted by the Committee, subject to any changes necessitated for Risk Management.

That:

1. the minutes of the Audit Committee meeting held on 8 February 2023 be noted; and
2. the recommendations as detailed in the minutes and summarised in Items 3 to 8.1 above be adopted.

Resolution

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

CARRIED

4.4. Community and Cultural Development Advisory Group Meeting Minutes - 9 February 2023

Recommendation

No recommendations to report.

That:

1. the minutes of the Community and Cultural Development Advisory Group Meeting held on 9 February 2023 be noted.

Resolution

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

CARRIED

4.5. Local Disaster Management Group Meeting Minutes - 10 February 2023

Recommendation

That the minutes of the Local Disaster Management Group Meeting held on 10 February 2023 be received as a true and correct record.

Resolution

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

CARRIED

5. EXECUTIVE

5.1. CEO

5.1.1. Council Workshop - January 2023

Executive Summary

In line with meeting arrangements over the December/January period each year, the Council conducted one(1) general workshop during January with a workshop held on 24 January 2023.

A range of policy and operational issues were discussed by Councillors and staff at the 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 24 January 2023 be received and noted.

Resolution

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

CARRIED

5.2. ECONOMIC DEVELOPMENT

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.2. COMMUNITY DEVELOPMENT

6.2.1. Community Connect - Alva Community Action Plan

Executive Summary

The purpose of this report is to seek Council consideration and adoption of the Community Connect - Alva Community Action Plan.

The Draft Plan has been developed following a sustained period of Community and key Stakeholder engagement and represents a true reflection of community aspiration within a broader well-being and community development context.

Recommendation

That Council adopt the Community Connect - Alva Community Action Plan as attached to help guide future operational planning, advocacy efforts and budget considerations.

Resolution

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

CARRIED

9.23am - Mr. Wellwood left the meeting.

9.26am - Mr. Wellwood returned to the meeting.

9.29am - Mr. Blackwell and Mrs. Smith left the meeting.

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.3.1. Monthly Financial Report - January 2023

Recommendation

That the Monthly Financial Report for Period Ending 31 January 2023 be received.

Resolution

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

CARRIED

9.49am - Mrs. Olsen left the meeting.

6.4. GOVERNANCE

6.4.1. Burdekin Shire Council Standing Orders and Meeting Procedures

Executive Summary

The *Local Government Act 2009* and *Local Government Regulation 2012* prescribe that Council must adopt Meeting Procedures and Standing Orders . Recently, the Department of State Development, Infrastructure, Local Government and Planning reviewed the model meeting procedures and standing orders documents. Previous amendments made to the model meeting procedures and standing orders relating to COVID-19 safety provisions for conducting council meetings remotely are no longer a legislative requirement, and have therefore now been removed. This does not affect the provisions for Councillors to attend a meeting by audio or audio-visual link as provided in section 254K of the *Local Government*

Regulation 2012. Section 29 of the Standing Orders requires that Councillors obtain permission from the Mayor or Chairperson of the meeting at least three (3) business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. Council's Meeting Procedures and Standing Orders have been updated to reflect the changes supplied by the Department.

Recommendation

That Council adopts the Burdekin Shire Council Meeting Procedures and Burdekin Shire Council Standing Orders as attached to this report.

Resolution

Moved Councillor Perry, seconded Councillor Furnell that the recommendation be adopted noting the amendment to the Consultation Section of the report.

- Councillors discussed at a Council workshop meeting the model meeting procedure document and standing order documents provided by the Department of State Development, Infrastructure, Local Government and Planning.

CARRIED

6.4.2. Operational Plan 2022/2023 Q2 Report

Executive Summary

In accordance with legislative reporting requirements, a quarterly report on the implementation of the adopted Operational Plan 2022/2023 has been prepared for Council. The report reflects the progress towards achieving the operational objectives of Council for the 2022/2023 financial year. This year's Operational Plan was developed to provide closer alignment with Council's Corporate Plan Objectives and Key Actions.

At the end of the Q2 period 89% of operational plan activities are considered to be at or above the agreed targets. This is an increase from 81% at the end of the Q1 period. Adverse weather conditions, delays to material supplies and some staff shortages have led to some of the key operational plan activities not reaching the desired targets this reporting period. The attached report includes "at a glance" graphs and traffic light tables to provide an easy-to-read snap shot of Council's second quarter activities. Further comments have also been provided relating to each of the 168 agreed operational plan activities.

Recommendation

That Council adopts the Operational Plan 2022/2023 Q2 Report as attached to this report.

Resolution

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

CARRIED

9.53am - Mr. Mulcahy entered the meeting.

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.1.1. Awarding of Tenders - TBSC/23/001 and TBSC/23/002 - Kirknie Landfill Leachate Hydraulics and Electrical Infrastructure Works

10.07am Councillor McLaughlin left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 7.1.1 Awarding of Tenders - TBSC/23/001 and TBSC/23/002 - Kirknie Landfill Leachate Hydraulics and Electrical Infrastructure Works as she and her husband are close family friends to the proprietor of Laser Electrical, Richard Bonato. Laser Electrical has submitted a tender to complete work prescribed in Item 7.1.1.

Councillor Perry assumed the chair.

Executive Summary

Council originally decided in 2021-22 to include a capital project to design and then construct an improved leachate control solution for the Kirknie Landfill. Following finalisation of the design, tenders were called for the associated hydraulic and electrical infrastructure works. Tenders closed on 6 February 2023 and a recommendation is provided below for their acceptance.

Recommendation

That:

1. tenders received for TBSC/23/001 – Kirknie Landfill Leachate Infrastructure Works (Hydraulics), Council accepts the tender of Roebuck Civil.
2. tenders received for TBSC/23/002 – Kirknie Landfill Leachate Electrical Upgrade, Council accepts Burdekin Air Conditioning and Electrical as the preferred tenderer; and agrees to liaise with them on the proposed scope changes in their non-conforming tender; and request a revised price for the accepted non-conformances.

Resolution

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

CARRIED

10.15am - Mrs. Galletta entered the meeting.

10.15am - Mr. Mulcahy left the meeting.

10.16am - Councillor McLaughlin re-entered the meeting and resumed the chair.

7.2. OPERATIONS

7.3. PLANNING AND DEVELOPMENT

7.3.1. Adoption of New Planning and Development Fees Associated with the Commencement of the Burdekin Shire Planning Scheme 2022

Executive Summary

The new planning scheme 'Burdekin Shire Council Planning Scheme 2022' commences on the 1 March 2023 and requires an amended fee schedule to align with and reflect the new scheme.

The revised 2022/2023 Fees and Charges schedule is required to be adopted by Council to be effective from 1 March 2022.

Recommendation

That in accordance with the *Local Government Act 2009*, Council adopt the fee schedule, as listed below, effective from 1 March 2023.

TOWN PLANNING ASSESSABLE DEVELOPMENT

Reconfiguring a Lot Development Application Fees

Preliminary Approval	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Preliminary Approval inc. Variation Request	R	Planning Act 2016 Planning Regulation 2017	POA		
Reconfiguring a lot - per lot (including boundary re-alignments)	R	Planning Act 2016 Planning Regulation 2017	\$460/lot (min. fee \$920.00)		
Lease exceeding 10 years - per lot	R	Planning Act 2016 Planning Regulation 2017	\$460/lot (min. fee \$920.00)		
Access easement not associated with a plan of subdivision	R	Planning Act 2016 Planning Regulation 2017	\$460.00	\$0.00	\$460.00
Where a reconfiguration application triggers impact assessment - Minimum Fee (in addition to per lot fee)	R	Planning Act 2016 Planning Regulation 2017	\$1,711.00	\$0.00	\$1,711.00
Endorsement of survey plan, building format plan, community management statement, or easement document	R	Planning Act 2016 Planning Regulation 2017	\$250.00	\$0.00	\$250.00
Re-signing of survey plan, building format plan, community management statement of easement document	R	Planning Act 2016 Planning Regulation 2017	\$110.00	\$0.00	\$110.00
Valuation maintenance fee per lot including balance allotments (*fee subject to change as determined by the State)	R	Planning Act 2016 Planning Regulation 2017	\$41.00/lot*		

Name	Commercial or Regulatory Fee	Legislation	Year 22/23		
			Fee (excl. GST)	GST	Fee (incl. GST)

MATERIAL CHANGE OF USE DEVELOPMENT APPLICATION FEES

Preliminary Approval

Preliminary Approval - All Use Types	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Preliminary Approval inc. Variation Request - All Use Types	R	Planning Act 2016 Planning Regulation 2017			POA

Accommodation Type Use

Caretakers Accommodation, Community Residence Dual Occupancy, Dwelling House (triggering assessment against the Planning Scheme), Dwelling Unit, Multiple Dwelling, Non-Resident Workforce Accommodation, Relocatable Home Park, Residential Care Facility, Retirement Facility, Rooming Accommodation, Rural Worker's Accommodation, Short-Term Accommodation, Tourist Park.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Resort Complex	R	Planning Act 2016 Planning Regulation 2017			POA
Nature Based Tourism	R	Planning Act 2016 Planning Regulation 2017			POA

Business Type Use

Home Based Business, Funeral Parlour, Parking Station, Office, Roadside Stall, Service Station, Shop, Shopping Centre, Adult Store, Food and Drink Outlet, Hotel, Sales Office, Showroom, Veterinary Services, Agricultural Supplies Store, Bulk Landscape Supplies, Car Wash, Function Facility, Garden Centre, Hardware and Trade Supplies, Market, and Outdoor Sales.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Air Service	R	Planning Act 2016 Planning Regulation 2017			POA
Shopping Centre with GFA greater than 2,500m ²	R	Planning Act 2016 Planning Regulation 2017			POA

Rural Type Use

Animal Keeping, Aquaculture, Permanent Plantation, Cropping, Intensive Horticulture, Animal Husbandry, Rural Industry, Roadside Stall, Wholesale Nursery, Winery, Warehouse.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00

Name	Commercial or Regulatory Fee	Legislation	Fee (excl. GST)	Year 22/23 GST	Fee (incl. GST)
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Industry Type Use

Extractive Industry, Service Industry, High Impact Industry, Low Impact Industry, Marine Industry, Medium Impact Industry, Research and Technology Industry, Special Industry, Transport Depot, Warehouse.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Major Electricity Infrastructure	R	Planning Act 2016 Planning Regulation 2017			POA
Renewable Energy Facility	R	Planning Act 2016 Planning Regulation 2017			POA
Substation	R	Planning Act 2016 Planning Regulation 2017			POA

Community Type Activity Use

Childcare Centre, Park, Place of Worship, Community Care Centre, Community Use, Club, Emergency Services, Health Care Services, Cemetery, Utility Installation.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Crematorium	R	Planning Act 2016 Planning Regulation 2017			POA
Detention Facility	R	Planning Act 2016 Planning Regulation 2017			POA
Hospital	R	Planning Act 2016 Planning Regulation 2017			POA
Educational Establishment	R	Planning Act 2016 Planning Regulation 2017			POA

Entertainment Type Use

Bar, Nightclub, Entertainment Facility, Theatre.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00

Recreation Type Use

Indoor Sport and Recreation.

Name	Commercial or Regulatory Fee	Legislation	Year 22/23		
			Fee (excl. GST)	GST	Fee (incl. GST)

Recreation Type Use [continued]

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Major Sport, Recreation and Entertainment Facility	R	Planning Act 2016 Planning Regulation 2017			POA
Motor Sport Facility	R	Planning Act 2016 Planning Regulation 2017			POA
Other Recreation Type Uses - Environmental Facility, Outdoor Sport and Recreation	R	Planning Act 2016 Planning Regulation 2017			POA
Tourist Attraction	R	Planning Act 2016 Planning Regulation 2017			POA

Other Type Use

Landing

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Port Services	R	Planning Act 2016 Planning Regulation 2017			POA
Undefined Use	R	Planning Act 2016 Planning Regulation 2017			POA

OPERATIONAL WORKS APPLICATION FEES

Town Planning Assessable Development

Operational Works

Application Fee (for works up to \$25,000 in estimated value) (minimum fee)	R	Planning Act 2016 Planning Regulation 2017	\$750.00	\$0.00	\$750.00
Application Fee (for works between \$25,000 - \$250,000 in estimated value)	R	Planning Act 2016 Planning Regulation 2017	2% value of work (Min. fee \$1,356.00)		
Application Fee (for works over \$250,000 in estimated value)	R	Planning Act 2016 Planning Regulation 2017	\$6,670 + 1.5% value of work over \$250,000		

Operational Works - Other

Prescribed Tidal Works	R	Planning Act 2016 Planning Regulation 2017			POA
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Name	Commercial or Regulatory Fee	Legislation	Year 22/23		
			Fee (excl. GST)	GST	Fee (incl. GST)

Operational Works - Other [continued]

Infrastructure Agreements (non-trunk infrastructure only)	R	Planning Act 2016 Planning Regulation 2017			POA
Maintenance Bond for Operational Works	R	Planning Act 2016 Planning Regulation 2017		2% value of work	
Inspections and Compliance Assessment (minimum fee per inspection)	R	Planning Act 2016 Planning Regulation 2017	\$450.00	\$0.00	\$450.00
Constructing or modifying a levee bank - Category 1	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Constructing or modifying a levee bank - Category 2 and 3	R	Planning Act 2016 Planning Regulation 2017			POA

TOWN PLANNING ASSESSABLE DEVELOPMENT - GENERAL FEES

Request for consideration by Council that development is accepted	R	Planning Act 2016 Planning Regulation 2017	\$715.00	\$0.00	\$715.00
Request for an Exemption Certificate under the Planning Act 2016	R	Planning Act 2016 Planning Regulation 2017	\$715.00	\$0.00	\$715.00
The cost of external consultant's fees including any associated legal fees incurred for any further assessment or advice required to be undertaken by Council in consideration of any application, submission and/or technical report may be charged to the applicant. Such costs must be paid prior to the final determination of the application.	R	Planning Act 2016 Planning Regulation 2017			POA
Pre-Lodgement Meeting Fee (where a written response is required)	C	Local Government Act 2009 s262(3)c	\$199.09	\$19.91	\$219.00
Confirmation of compliance of use with Planning Scheme and/or confirmation of existing use rights	R	Planning Act 2016 Planning Regulation 2017	\$715.00	\$0.00	\$715.00
Requests for Applications to be considered under Superseded Planning Scheme. Note: if the application under consideration is accepted by Council for assessment, the applicable assessment fee will apply.	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00

TOWN PLANNING OTHER

Planning and Development Certificates

Limited (per lot)	R	Planning Act 2016 Planning Regulation 2017	\$94.00	\$0.00	\$94.00
Standard (per lot)	R	Planning Act 2016 Planning Regulation 2017	\$193.00	\$0.00	\$193.00
Full (per lot)	R	Planning Act 2016 Planning Regulation 2017	\$484.00	\$0.00	\$484.00

Name	Commercial or Regulatory Fee	Legislation	Fee (excl. GST)	Year 22/23 GST	Fee (incl. GST)
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Sale of Copies of Town Planning Scheme

USB including scheme and maps	R	Planning Act 2016 Planning Regulation 2017			At cost
Printed copy of scheme only (no maps)	R	Planning Act 2016 Planning Regulation 2017			At cost
Printed copy of full set of zoning maps	R	Planning Act 2016 Planning Regulation 2017			At cost
Printed copy of individual zoning map (A3 per sheet)	R	Planning Act 2016 Planning Regulation 2017			At cost
Printed copy of individual zoning map (A4 per sheet)	R	Planning Act 2016 Planning Regulation 2017	At cost		

Request to Change Development Approval

Request for a change development approval (minor)	R	Planning Act 2016 Planning Regulation 2017	50% of original application fee		
Request for a change (other) approval	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Request to change (other) for an approval that involved impact assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,361.00	\$0.00	\$2,361.00
Request to extend the currency period for a development approval	R	Planning Act 2016 Planning Regulation 2017	\$260.00	\$0.00	\$260.00
Request for change/amendment to be Considered Generally in Accordance With	R	Planning Act 2016 Planning Regulation 2017	\$260.00	\$0.00	\$260.00

Resolution

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

FOR: Councillors McLaughlin, Perry, Boccalatte and Furnell

AGAINST: Councillors Musumeci and Detenon

4/2

CARRIED

7.3.2. P. Burrelli - Report to Use Council Land for Pedestrian Only Fire Evacuation Purposes - Industrial Shed Complex Located at 19-21 McCathie Street, Ayr (Lot 11 on SP296509)

Executive Summary

Council received a request from landowner/applicant, Pio Burelli on 16 February 2023, requesting to use part of Council owned land (Lot 16 on RP745329) adjacent to his premises at 19-21 McCathie Street, Ayr (Lot 11 on SP296509), to provide a pedestrian only fire evacuation route as required by the National Construction Code which his proposed building application is subject to assessment against, should he wish to extend his current buildings on site.

As Pio Burrelli does not have the required room available on his site to be able to comply, he will need to engage a fire engineer to undertake a performance review and implement any requirements required as a result of the review.

Pio Burrelli has advised that this review option is not currently viable from a cost perspective which has led to his request to use part of the adjacent Lot 16 on RP745329 (being Council owned land) to provide the pedestrian only fire evacuation route.

Recommendation

That Council approve the request from Pio Burelli, and permit him to use part of Lot 16 on RP745329 to provide a pedestrian only fire evacuation route from Lot 11 on SP296509 subject to the following requirements:

1. provision of a professional legal undertaking/agreement prepared by suitably experienced, practicing solicitor, for Council's review and approval, that indemnifies Burdekin Shire Council against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with granting permission for the use of part Lot 16 on RP745329 for the purposes of providing a pedestrian only fire evacuation route, for life of the structure on Lot 11 on SP296509 whilst it remains under Pio Burelli's ownership.
 2. The use of part Lot 16 on RP745329 to provide a pedestrian only fire evacuation route associated with uses on Lot 11 on SP296509, must not interfere with Council's use of Lot 16 on RP745329 for drainage purposes.
 3. The use of part Lot 16 on RP745329 for pedestrian only fire evacuation purposes is not transferrable. A new request will need to be submitted for approval if Lot 11 on SP296509 changes ownership.
 4. Burdekin Shire Council reserves the right to retract its permission for use of part Lot 16 on RP745329 for fire evacuation purposes, at any time.
 5. The applicant/owner is responsible for ensuring that the proposed pedestrian only fire evacuation route complies with all legislative requirements and is fit for purpose for the life of its use. Burdekin Shire will not be responsible for any maintenance requirements on Lot 16 on RP745329 associated with the applicant/owner use of it to provide a pedestrian only fire evacuation route.
 6. Preparation of the undertaking/agreement will be at the applicant/owner's cost, and at no cost to Council.
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Resolution

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

CARRIED

10.40am - Mrs. Galletta left the meeting.

13. DELEGATION

13.1. Australia Citizenship Presentation

Mayor McLaughlin presented Mrs. Sandar Oo with her Australian Citizenship certificate which she was to receive at the Australia Day Ceremony held on 26 January 2023 at the Burdekin Theatre, at that time the certificate had not arrived in time for the ceremony.

10.45am - Meeting adjourned for Morning Tea.

11.03am - Meeting recommenced.

12. CLOSED BUSINESS ITEMS

12.1. Confidential - Presentation from the State Valuation Service regarding the 2023 Valuation Program

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

Resolution

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

254J (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

For the purpose of discussing:

1. Presentation from the State Valuation Service regarding the 2023 Valuation Program prior to the public release of the information.

CARRIED

Council Meeting opened to Public.

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

CARRIED

12.05pm - Mr. Mulcahy re-entered the meeting.

7.4. TECHNICAL SERVICES

7.4.1. Burdekin Aquatic Facilities Strategy

Executive Summary

Burdekin Shire Council currently owns four (4) aquatic facilities throughout the Shire:

- Ayr Swimming Pool
- Home Hill Swimming Pool
- Clare Swimming Pool
- Millaroo Swimming Pool

The Giru Swimming Pool also provides community access through a partnership between the Giru Progress Association and Education Queensland.

Council's 10 Year Sport and Recreation Plan identified the need to undertake a regional pool strategy to help guide decision making for resource allocation in the future.

In line with the sport and recreation plan recommendation, Council has engaged Ross Planning to prepare an aquatic facilities strategy for the Shire.

At its 14 February 2023 meeting Council considered the Draft Burdekin Aquatic Facilities Strategy and requested amendments be made regarding further consultation to be undertaken in the future, when renewal of pool facilities are planned, to ensure final facility design meets community need.

This report seeks Council's adoption of the amended Draft Burdekin Aquatic Facilities Strategy.

Recommendation

That Council adopts the Burdekin Aquatic Facilities Strategy as attached to this report.

Resolution

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

CARRIED

12.23pm - Mr. Mulcahy left the meeting.

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

11.1. Request for Council Support - Attendance of Councillor McLaughlin – Townsville Enterprise North Queensland Mayoral Delegation with Federal Government – Canberra – Monday 20 March to Thursday 23 March 2023

Resolution

Moved Councillor Detenon, seconded Councillor Furnell that Council approve the attendance of Councillor McLaughlin to participate in the Townsville Enterprise North Queensland Mayoral Delegation with Federal Government and Opposition representatives in Canberra from Monday 20 March 2023 to Thursday 23 March 2023 and all expenses of attendance be met by Council.

CARRIED

11.2. Request for Council Support - Attendance of Councillor McLaughlin – Townsville Enterprise North Queensland Mayoral Delegation with State Government – Brisbane – Tuesday 28 March to Thursday 30 March 2023

Resolution

Moved Councillor Perry, seconded Councillor Furnell that that Council approve the attendance of Councillor McLaughlin to participate in the Townsville Enterprise North Queensland Mayoral Delegation with State Government and Opposition representatives in Brisbane from Tuesday 28 March 2023 to Thursday 30 March 2023 and all expenses of attendance be met by Council.

CARRIED

12. CLOSED BUSINESS ITEMS

13. DELEGATION

There being no further business the meeting closed at 1.00pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 14 March 2023.

MAYOR
