



Burdekin Shire Council

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 26 April 2023**

**COMMENCING AT 12:30 PM**

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## **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. W. Saldumbide - Acting Director of Infrastructure Planning and Environmental Services  
Mr. K. Byers - Manager Technical Services  
Mrs. K. Galletta - Manager Planning and Development  
Mr. D. Mulcahy - Manager Environmental and Health Services  
Mr. T. Blackwell - Manager Community Services

Apologies: Mr. N. Wellwood - Director of Infrastructure, Planning and Environmental Services

Minutes Clerk - Mrs. S. Iturriaga

### **2. PRAYER**

The meeting prayer was delivered by Pastor Gerry MacManus 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 4.2 RADF Advisory Group Minutes - 4 April 2023 as her image has been taken for this project and to her knowledge will be included as part of those exhibited.

### **4. MINUTES AND BUSINESS ARISING**

#### **4.1. Ordinary Council Meeting Minutes - 11 April 2023**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 11 April 2023 be received as a true and correct record.

##### **Resolution**

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

CARRIED

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#### 4.2. RADF Advisory Group Minutes - 4 April 2023

*12.36 pm - Councillor Boccalatte left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 4.2 RADF Advisory Group Minutes - 4 April 2023 as her image has been taken for this project and to her knowledge will be included as part of those exhibited.*

#### Recommendation

##### Item 4 - Consideration of Out-of-Round Application

That Council approve the recommended funding below:

Applicant	Project	Requested Funding	Recommended Funding
Marnie Hine Photography	<p>Towards cost of conducting photographic exhibition of 42 images from Project RAW to be held at Burdekin Theatre from 25-28 May 2023 as part of Sweet Days Hot Nights Festival and to further promote the Burdekin as the sugar cane capital of Australia</p> <p><i>RADF members suggest that a gold coin donation from attendees could recoup the additional funds of \$300.00.</i></p>	\$3,000.00	\$2,700.00
TOTAL		\$3,000.00	\$2,700.00

That:

1. the minutes of the RADF Advisory Group Meeting held on 4 April 2023 be noted, and;
2. the recommendation as detailed in the minutes and summarised in Item 4 above be adopted.

*12.42pm - Mr. N. O'Connor left the meeting.*

*12.43pm - Mr. N. O'Connor entered the meeting.*

*12.44pm - Mr. D Mulcahy entered the meeting.*

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## **Resolution**

Moved Councillor Musumeci, seconded Councillor Furnell that the report lay on the table pending additional information on the application regarding budget and distribution of funds.

CARRIED

*12.46pm - Councillor Boccalatte and Mr. T. Blackwell entered the meeting.*

## **5. EXECUTIVE**

### **5.1. CEO**

### **5.2. ECONOMIC DEVELOPMENT**

## **6. CORPORATE AND COMMUNITY SERVICES**

### **6.1. CLIENT SERVICES**

### **6.2. COMMUNITY DEVELOPMENT**

#### **6.2.1. Community Connect - Community Profile Id.**

##### **Executive Summary**

This report seeks to award a direct contract for a community population profile dataset and information for the Burdekin Shire Council, staff, residents, and local organisations to access and utilise.

##### **Recommendation**

That Council:

1. Approve to enter into a contract for subscription of service with the Community Profile id from ID Consulting Pty Ltd at an annual cost of \$6,600.00.

2. Acknowledges the estimated total value of the proposed contract with ID Consulting Pty Ltd (over an estimated 12-month period) is not categorised as a large-sized contractual arrangement as defined by Section 224(3) of the Local Government Regulation 2012; and

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3. Agrees, that in accordance with Section 235 (b) of the Local Government Regulation 2012 the services to be provided by ID Consulting Pty Ltd are of a specialised nature, and as such it would be impractical or disadvantageous for Council to invite written tenders; and

4. Approve awarding sole provider status to ID Consulting Pty Ltd for the Community Profile id, without seeking a competitive tender or quotations from the market as after a review of the market, there are no comparable all-inclusive products.

### **Resolution**

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

CARRIED

*12.55pm - Mr. N. O'Connor left the meeting.*

*12.56pm - Mr. N. O'Connor entered the meeting.*

*12.56pm - Mr. T. Blackwell left the meeting.*

### **4.2 RADF Advisory Group Meeting Minutes - 4 April 2023**

*12.58 pm - Councillor Boccalatte left the meeting at the re-commencement of the discussion of 4.2 RADF Advisory Group Minutes - 4 April 2023 as she had a Declarable Conflict of Interest as her image has been taken for this project and to her knowledge will be included as part of those exhibited.*

### **Executive Summary**

Further information regarding Marnie Hine Photography RADF application was provided by Mr. O'Connor for deliberations.

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## Recommendation

### Item 4 - Consideration of Out-of-Round Application

That Council approve the recommended funding below:

Applicant	Project	Requested Funding	Recommended Funding
Marnie Hine Photography	Towards cost of conducting photographic exhibition of 42 images from Project RAW to be held at Burdekin Theatre from 25-28 May 2023 as part of Sweet Days Hot Nights Festival and to further promote the Burdekin as the sugar cane capital of Australia  <i>RADF members suggest that a gold coin donation from attendees could recoup the additional funds of \$300.00.</i>	\$3,000.00	\$2,700.00
TOTAL		\$3,000.00	\$2,700.00

That:

1. the minutes of the RADF Advisory Group Meeting held on 4 April 2023 be noted, and;
2. the recommendation as detailed in the minutes and summarised in Item 4 above be adopted.

## Resolution

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

CARRIED

## 6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

### 6.3.1. Monthly Financial Report - March 2023

#### Recommendation

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

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## **Resolution**

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

CARRIED

## **6.4. GOVERNANCE**

### **6.4.1. Social Media Policy**

#### **Executive Summary**

Council's Social Media Policy sets out the standards of behaviour expected in relation to professional use of social media platforms on behalf of Council and personal use of social media by Council employees and Elected Members. The policy addresses the key risk areas associated with the use of social media including reputational risks (both positive and negative), legislative compliance risks (information and privacy) and more generally, the risks associated with the overall management of a range of social media platforms (access, content creation, permissions, administration). The policy has been reviewed and amended in accordance with the agreed review schedule and is now presented to Council for readoption.

#### **Recommendation**

That Council adopts the updated Social Media Policy as attached to this report.

## **Resolution**

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

CARRIED

## **7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES**

### **7.1. ENVIRONMENTAL AND HEALTH SERVICES**

#### **7.1.1. Flying-fox Dispersal Activity for Home Hill**

##### **Executive Summary**

Black flying-fox roosts have been common in the town of Home Hill since at least 2013. Historically, the most common roosting site has been Lloyd Mann Park. Council staff have undertaken dispersal activities in the past with reasonable success. A more recent roosting site has been identified in Kidby Gully and most recent attempts in April 2021 failed to move the flying-foxes on. The flying-foxes are increasing in number and impacting on the quality of life of nearby residents from a noise, odour and property impact basis. A recommendation is provided below to address this problem.

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**Recommendation**

That Council engage the services of Biodiversity Australia Pty Ltd for an amount of \$131,031.00 (ex GST) to conduct a flying-fox dispersal activity in the town of Home Hill.

**Resolution**

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

CARRIED

**7.1.2. Adoption of Revised Waste Management Policy****Executive Summary**

The Waste Management Policy is reviewed on a two (2) year basis to determine if any improvements or changes are required.

A review has been undertaken of the policy and a revised version is attached for consideration and adoption.

**Recommendation**

That Council adopts the attached revised Waste Management Policy.

**Resolution**

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

CARRIED

*1.45pm - Mr. D. Mulcahy left the meeting.*

*1.48pm - Mrs. K. Galletta and Mr. K. Byers entered the meeting.*



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## **7.2. OPERATIONS**

### **7.3 PLANNING AND DEVELOPMENT**

#### **7.3.1. Development Application for Reconfiguring a Lot - Subdivision One (1) Lot into Two (2) Lots at 39 and 43 Robins Road, Ayr (Lot 4 on RP719819)**

##### **Executive Summary**

Council is in receipt of a development application lodged by Milford Planning on behalf of applicant, Antonio Sandona for reconfiguring a lot (subdividing one (1) lot into two (2) lots) on land described as Lot 4 on RP719819 and located at 39 and 43 Robins, Ayr. The total current site area of Lot 4 is 28.9ha.

The application has been made under the *2011 Burdekin Shire Council IPA Planning Scheme* (2011 Scheme) and must be assessed against it. Weight however has also been given to the relevant aspects of the new Burdekin Shire Council 2022 Planning Scheme (2022 Scheme) which is now in effect, in the assessment of the proposed development.

The application is code assessable under the 2011 Scheme and therefore did not require public notification. The application did not require referral to any referral agencies.

Officers have assessed the development application and have determined it is inconsistent with and is not able to be conditioned to be consistent with, the assessment benchmarks relevant to the development application (neither in the formal assessment against the 2011 Scheme nor the informal assessment against the 2022 Scheme).

Agricultural resources, especially those undertaken on good quality agricultural land are of significant importance in the Burdekin Shire and should be maintained at the minimum size determined by the State as being viable and protected from incompatible uses, as GQAL land is not easily restored once removed from the productive agricultural activity.

The application is therefore recommended for refusal.

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## **Recommendation**

That Council refuse the proposed Reconfiguring of a Lot (one (1) lot into two (2) lots) on land described as Lot 4 on RP719819 and located at 39 and 43 Robins Road, Ayr, given it is inconsistent with, and not able to be conditioned to be consistent with, the assessment benchmarks relevant to the development. In particular:

- a) The proposed development is not consistent with the purpose and overall outcomes sought for the Reconfiguring a Lot Code, specifically:
  - (i) Lot Layout - SO6 Acceptable Solution S6 prescribes the minimum lot sizes for Rural land to have a (minimum) 200.0m frontage and a 30.0ha minimum lot size.
  - (ii) Good Quality Agricultural Land – SO11 provides: Good quality agricultural land is retained for agriculture or intensive agriculture by avoiding reconfiguring good quality agricultural land for other purposes, unless it can be demonstrated that:
    - a) the land is not actually good quality agricultural land;
    - b) the proposal does not create any additional new lots;
    - c) the balance area has acceptable utility for rural, rural industry or other rural purposes;
    - d) the intended use of the balance area will not lead to degradation of the land or water resources;
    - e) the balance area has a reliable water supply, the ability to meet acceptable effluent disposal standards, practicable constructed road access and acceptable drainage provisions;
    - f) the excision of land containing a valuable feature of natural or cultural heritage significance.
- b) The proposed development results in allotments of a size that make contribute to a net loss in overall agricultural productivity and will impact on future use of land within the Priority Agricultural Area, which is inconsistent with the assessment benchmarks under Regional Outcome 1.1 of the North Queensland Regional Plan.

## **Resolution**

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

## **Voting on the Motion**

FOR: Councillors McLaughlin, Boccalatte and Furnell.

AGAINST: Councillors Perry, Bonanno, Musumeci and Detenon.

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## **Motion**

Moved Councillor Perry, seconded Councillor Detenon that:

1. Council approve the Development Application for Reconfiguring of a Lot (one (1) lot into two (2) lots) on land described as Lot 4 on RP719819 and located at 39 and 43 Robins Road, Ayr with the following reasons noted:
  - a. The proposal will not result in any loss of agricultural land; and
  - b. There are existing dwellings already located on each of the proposed lots, which will not impact on the future use of the existing agricultural land.
2. Council Officers develop conditions of approval for the Development Application at the next Ordinary Council Meeting to be held on Tuesday, 9 May 2023 for consideration.

## **Voting on the Motion**

FOR: Councillors Detenon, Musumeci, Bonanno and Perry.

AGAINST: McLaughlin, Furnell and Boccalatte.

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CARRIED

### **7.3.2. Development Application for Reconfiguring a Lot - Subdivision One (1) into Two (2) Lots and Access Easement at 31 and 87 Klondyke Road, Ayr (Lot 100 on SP272027 and Lot 103 on SP217493)**

#### **Executive Summary**

Council is in receipt of a development application lodged by Milford Planning on behalf of applicants, Fiona and Heath Salter for a reconfiguration of a lot (subdividing one (1) lot into two (2) lots) and creation of an access easement on land described as Lot 100 on SP272027 and Lot 103 on SP217493 and located at 31 and 87 Klondyke Road, Ayr.

Lot 100 is currently 43.69ha in area. Proposed Lot 1 is proposed to be 41.8ha, with proposed Lot 2 to be 1.8ha in area.

The application has been made under the 2011 Scheme and must be assessed against it. However as significant weight has been given to the relevant aspects of the new 2022 Scheme (which is now in effect) in the assessment of the proposed development, the officers recommendation comes to Council for determination.

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## Recommendation

That Council approve the proposed reconfiguring of a lot (one (1) lot into two (2) lots) and access easement application on land described as Lot 100 on SP272027 and Lot 103 on SP217493 and located at 31 and 87 Klondyke Road, Ayr, subject to reasonable and relevant conditions as set out below:

Condition	Reason	Timing
<b>1. General and Administration</b> <u>Compliance with Conditions</u> 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. 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 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied as to any matter or conferring on Council a function, power or discretion that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council. 1.4 The proposed development must comply in full with all conditions of this approval, relevant Planning Scheme requirements and the relevant policies, 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. 1.5 All civil works associated with this development permit must be constructed by a suitably qualified/ licenced contractor and delivered as per the accepted design plans, as per Council specifications and requirements. 1.6 Council's assessment of the design has been an audit only. In the issuing of this permit Council makes no acknowledgement that the design meets the above requirements. 1.7 It is a condition of this permit that any errors in the design are the responsibility of the consulting engineer, and that any rectification costs which may be applicable are to be borne by the	The development must comply with all planning scheme requirements as approved and conditioned by this development permit.	During the operation and life of the development.

Condition	Reason	Timing
developer. Council bears no responsibility for any errors associated with the design or any costs arising therefrom.  <u>Works – Applicant's Expense</u> 1.8 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.  <u>Infrastructure Conditions</u> 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.  <u>Works – Applicants Responsibility</u> 1.10 The Applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, it must be repaired immediately.  <u>Works – Design and Standard</u> 1.11 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.		

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Condition	Reason	Timing						
2. Approved Plans and Supporting Documents								
<table><tr><th>Drawing Title</th><th>Drawing/Revision</th><th>Date</th></tr><tr><td>Proposed Lot Configuration and Access Arrangement</td><td>M2027-SK-02, Issue A, Sheet 1</td><td>15.03.23</td></tr></table>			Drawing Title	Drawing/Revision	Date	Proposed Lot Configuration and Access Arrangement	M2027-SK-02, Issue A, Sheet 1	15.03.23
Drawing Title	Drawing/Revision	Date						
Proposed Lot Configuration and Access Arrangement	M2027-SK-02, Issue A, Sheet 1	15.03.23						
Associated Reports								
Development application prepared by Milford Planning, February 2023 including the Further Information Responses, March 2023.								
2.1 The proposed development must be completed, comply with and maintained generally in accordance with the drawings/ documents identified in the above, except as otherwise specified and/or amended by any condition of this approval.	The development must comply with all planning scheme requirements as approved and conditioned by this development permit.	At all times.						
2.2 The development must be constructed in 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.								
3. Payment of Rates, Charges and Expenses								
3.1 Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.	Confirmation to be provided to Council prior to the release of the Plan of Survey.							

Condition	Reason	Timing
3.2 Pay the sum calculated at the current charge per lot to be levied on the Council by the Department of Natural Resources, Mines and Energy, for each new valuation.		
<b>4. Confirmation of Existing Services</b> The existing services for each lot must be contained within the individual allotments.	To ensure the development is appropriately serviced in accordance with relevant code/s and policy direction.	Confirmation to be provided to Council prior to the release of the Plan of Survey.
<b>5. Relocation/alteration of Public Utilities</b> The developer must at its own cost undertake all necessary alterations to public utility mains and services as rendered necessary by the carrying out of any required external works or other works associated with the approved development to the satisfaction of Council, and at no cost to Council.	To ensure development is appropriately serviced by public services and/or facilities in accordance with relevant code/s and policy direction.	Prior to the release of the Plan of Survey.
<b>6. Roadworks</b> The construction of any crossovers to give access to the land is to be the owner's responsibility and at no cost to Council, to the satisfaction of the Chief Executive Officer.	To provide appropriate access in accordance with relevant code/s and policy direction.	Prior to the issuing of a Development Permit for Building Works.
<b>7. Access Easement</b> 7.1 The applicant must provide and register a minimum 6.0m wide easement for access and utilities from Klondyke Road to proposed Lot 2.	To provide appropriate access in accordance with relevant code/s and policy direction.	Prior to the issuing of a Development Permit for Building Works.

Condition	Reason	Timing
7.2 This easement must not cross any existing drainage easements (Easement H on SP272027 and Easement F on SP217493).		
<b>8. Drainage/Stormwater</b> 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.	To convey stormwater across other lands legally and in an environmentally responsible manner in accordance with relevant code/s and policy direction.	At all times.
<b>Advice</b>		
<b>1. Infrastructure Charges</b> An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.		
<b>2. Compliance with Conditions</b> Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.		
<b>3. Reticulated Water and Sewer Infrastructure</b> Proposed lots 1 and 2 are unable to be connected to Council's reticulated water supply and sewerage infrastructure.		
<b>4. Future Development and Flood Management</b>		
4.1 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.		
4.2 Any development application for building works which includes 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.		
<b>5. Acid Sulfate Soils</b>		

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Condition	Reason	Timing
Should the presence of acid sulfate soils or potential acid sulfate soils be detected, an Acid Sulfate Soils Management Plan may be required to be prepared and submitted to Council for approval.		
<b>6. Limitation of Approval</b>		
6.1 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant.		
6.2 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnify and save the council harmless in respect of any claim so arising.		
<b>7. Miscellaneous</b>		
The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: <a href="http://www.datsip.qld.gov.au">www.datsip.qld.gov.au</a>		
<b>8. Earthworks</b>		
Earthworks are not approved as part of this Development Permit. If any earthworks are required and deemed assessable development, an operational works development application is to be lodged with Council for assessment in accordance with relevant code/s and policy direction.		

## Resolution

Moved Councillor Musumeci, seconded Councillor Detenon that the recommendation be adopted noting the following additional conditions to Section 7 Access Easement:

7.3 The Proposed access easement must not cross existing drainage Easement F on SP217493 and

7.4 Should the proposed access easement traverse existing drainage Easement H on SP272027, a Report from a Registered Professional Engineer of Queensland (RPEQ) demonstrating no adverse Impacts on the function of the drain is required for assessment and approval by Council.

CARRIED

*2.48pm - Mr. K. Byers and Mrs. K. Galletta left the meeting.*

## 7.4. TECHNICAL SERVICES

## 8. NOTICE OF MOTION

## 9. RECEIPT OF PETITIONS

## 10. CORRESPONDENCE FOR INFORMATION

## 11. GENERAL BUSINESS

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**12. CLOSED BUSINESS ITEMS**

**13. DELEGATION**

There being no further business the meeting closed at 3.22pm.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 9 May 2023.**

**MAYOR**

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