



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 13 June 2023

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

1. ATTENDANCE

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

Mr. T. Brennan - Chief Executive Officer
Mr. N. O'Connor - Director Corporate and Community Services
Mr. W. Saldumbide - Manager Operations
Mr. D. Mulcahy - Manager Environmental and Health Services (Part)
Mrs. K. Olsen - Manager Financial and Administrative Services (Part)

Apologies - Councillor Detenon
Councillor Furnell
Mr. N. Wellwood - Director of Infrastructure, Planning and Environmental Services

Minutes Clerk - Mrs. S. Iturriaga

2. PRAYER

The meeting prayer was delivered by Reverend Malia Ma'u of the Uniting 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 - 23 May 2023

Recommendation

That the minutes of the Ordinary Council Meeting held on 23 May 2023 be received as a true and correct record.

Resolution

Moved Councillor Perry, seconded Councillor Boccalatte that the recommendation be adopted noting the amendment to Councillor Boccalatte's Declaration of Interest being corrected from "received gifts and donations from Burdekin Artisan Community Association" to "received gifts which were donated back to Burdekin Artisan Community Association" .

CARRIED

5. EXECUTIVE

5.1. CEO

5.1.1. Council Workshops - May 2023

Executive Summary

In line with its normal meeting arrangements, the Council conducted two (2) general workshops during May with workshops held on 2 and 16 May 2023.

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 2 and 16 May 2023 be received and noted.

Resolution

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

CARRIED

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. Adoption of 2023/24 Fees and Charges

Executive Summary

The 2023/24 Fees and Charges schedule is required to be adopted by Council to be effective from 1 July 2023.

Recommendation

That in accordance with the *Local Government Act 2009*, Council adopts the attached 2023/24 Fees and Charges schedule, to take effect from 1 July 2023.

Resolution

Moved Councillor Musumeci, seconded Councillor Perry that the recommendation be adopted subject to minor wording amendments to hire fees for cultural venues.

CARRIED

6.3.2. Adoption of Non-Current Asset Accounting Policy**Executive Summary**

The revised Non-Current Asset Accounting Policy will amend the current policy, adopted at the Ordinary Council Meeting on 8 June 2021.

No changes to this policy have occurred.

Recommendation

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

Resolution

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

CARRIED

6.3.3. Code of Competitive Conduct - Business Activities

Executive Summary

This report outlines the legislative requirements relating to Business Activities of Local Governments and identifies Council's prescribed business activities.

Recommendation

That Council:

1. Determines that none of its business activities satisfy the statutory threshold for classification as a significant business activity; and
2. Determines that the code of competitive conduct should not apply to the Caravan Park as a prescribed business activity for the 2023/24 financial year as Council considers the cost of applying the code will outweigh the benefits of applying the code.

Resolution

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

CARRIED

6.3.4. Corporate Purchase Card Policy

Executive Summary

The Corporate Purchase Card Policy was developed to establish a criteria for issuing Corporate Purchase Cards and outlines responsibilities for cardholders.

Purchase cards will not be issued to contractors, temporary employees, or elected members with the exception of the Mayor.

Recommendation

That Council adopts the attached Corporate Purchase Card Policy.

Resolution

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

CARRIED

9.22am - Mrs. K Olsen left the meeting.

9.22am - Mr. D. Mulcahy entered the meeting.

6.4. GOVERNANCE

6.4.1. Nomination of Burdekin Show Holiday Date for 2024

Executive Summary

Council has received correspondence from the Office of Industrial Relations inviting Council to make nomination for a show or special holiday for 2024.

Recommendation

That Council makes application to the Office of Industrial Relations for the appointment of the following public holiday in 2024:

- *Wednesday, 26 June 2024 – for the whole of the Burdekin Shire – Burdekin Annual Show Holiday.*

Resolution

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

Voting on the Motion

FOR: Councillors McLaughlin, Boccalatte, Musumeci, Perry

AGAINST: Councillor Bonanno

4/1

CARRIED

6.4.2. Townsville City Council - Houghton Pipeline Project Stage 2 - Request for Easements and Temporary Construction Access Areas within Reserve Land.

Executive Summary

Council is trustee of both Lot 15 Crown Plan 891307 and Lot 33 Survey Plan 331997, both being Camping and Water Reserves. Townsville City Council has written to Council seeking a 'letter of no objection' for the granting of easements over both reserves to allow for the construction of the Houghton Pipeline Project Stage 2 including provision for necessary 'temporary construction access areas'.

Recommendation

That Council:

Write to Townsville City Council:

Confirming that Council will provide a 'letter of no objection' for the granting of a 'water supply pipeline easement' and associated 'temporary construction access area' on and through land parcels described as Lot 15 Crown Plan 891307 and Lot 33 Survey Plan 331997, each being a Camping and Water Reserve for which Council is trustee, subject to the following conditions.

That Townsville City Council:

1. Obtain the written consent of both the State Permittee and Trustee Lessee of the respective land parcels for the granting of the easement and associated temporary construction access area; and
2. Submit all necessary applications and other information, as determined by Council, for consideration and assessment; and
3. Undertake the preparation and lodgment of all necessary documentation for the granting of the easements, at no expense to Council.

The granting of the temporary construction access area period, for both parcels of land, will expire on 31 July 2026.

Resolution

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

CARRIED

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.1.1. Proposed Bait and Tackle Stall - Jerona Boat Ramp

Executive Summary

A written request has been made by Mr. Sean Ford to operate a bait and tackle stall at Jerona boat ramp and a recommendation on the request is provided. Council has recently approved a policy for vending on Council owned and controlled land and the conditions outlined herein conform with the policy.

Recommendation

That Council approves the request from Mr. Sean Ford to operate a stall which will sell bait, tackle and ice on the southwest side of the shelter which is to the left of the Jerona boat ramp subject to the following conditions:

1. The applicant is to complete and submit an application for Commercial Use of Local Government Controlled Areas and Roads.
 2. Conditions of approval will include:
 - a. The conduct of the approved used must be in accordance with the application submitted and any supporting documentation, except as otherwise specified by any conditions of approval.
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- b. The preparation, handling and serving of food and drinks are to be conducted in accordance with the requirements of the *Food Act 2006 and Food Standards Australia and New Zealand (FSANZ) Food Standards Code*.
 - c. Compliance with the *Environmental Protection (Noise) Policy 2019*.
 - d. Hold public liability insurance in an amount not less than \$10 million against claims for personal injury and property damage resulting from the approved use.
 - e. Indemnify the Council and the State Government (in respect of State-owned land) against all actions, proceedings, claims, demands, cost, losses, damages and expenses which may be brought against, or made upon, the Council or the State as a result of the activity.
 - f. Restricted to the designated site as approved by Council.
 - g. If the approval holder or the holder's employee or agent intentionally or negligently damages the Council controlled area, it must pay to the Council the amount it would cost to rectify the damage.
 - h. Mobile vendor vehicles are to be roadworthy vehicles that are licenced by the Department of Transport and Main Roads.
 - i. Ensure that the vehicles and all equipment used in the operation of the activity are maintained in good working order and in a clean and sanitary condition at all times.
 - j. No obstruction to pedestrian flow or vehicular traffic.
 - k. Only serve customers from the non-traffic side of the vehicle used in the operation of the activity.
 - l. Compliance with existing parking restrictions which apply to the area at all times.
 - m. The activity must not have an unreasonable detrimental effect on the amenity of the surrounding area.
 - n. Litter is to be cleared at all times from in and around the vendor site by the operator.
 - o. Appropriate rubbish bins are to be provided by the operator in numbers adequate to service the patrons and removed, along with all rubbish from the site at the end of each trading day.
 - p. Not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the Water Supply (Safety and Reliability) Act 2008.
 - q. Trees and other significant streetscape elements such as benches, pergolas and rubbish bins are not to be obstructed, covered, removed, relocated or modified.
 - r. Permanent structures are not permitted.
 - s. Any temporary fixtures (such as umbrellas, bins and stools) are to be safe to use and removed at the end of trading. The use of and location of these fixtures must be approved.
 - t. Fixtures are not to be placed where they present a barrier or danger to pedestrians or vehicles.
 - u. Not place a sign or device advertising the activity on any Council owned or controlled area or road without approval.
 - v. Must provide own power supply.
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- w. Mobile vehicle to be removed at the end of trading each day.
 - x. The approval is not valid for events at the approval location unless specifically approved by the event organiser.
 - y. It is noted that your location is adjacent to a shelter. This shelter is not to be obstructed or used by you and kept free and clear for use by the public.
 - z. The approval may be revoked at any time.

Resolution

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

CARRIED

7.1.2. Sole Supplier - Dune Restoration Project

Councillor McLaughlin advised she had a Declarable Conflict of Interest in relation to Item 7.1.2 Sole Supplier - Dune Restoration Project as she is a Director of NQ Dry Tropics and could be perceived to have a conflict of interest. Councillor McLaughlin advised of her intention to leave the meeting prior to this discussion.

9.38am Councillor McLaughlin left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in Item 7.1.2 Sole Supplier - Dune Restoration Project as she is a Director of NQ Dry Tropics and could be perceived to have a conflict of interest.

Councillor Perry assumed the chair.

Executive Summary

Council has received funding from the Local Government Association of Queensland (LGAQ) under the Coastal Hazard Adaption Program (QCoast 2100) of \$75,000.00 ex GST for the Wunjunga/Beachmount Dune Protection Works Project which totals \$85,000.00. Due to delays in sourcing plant stock, Council is seeking an extension for completion of the project.

Similar dune protection works were completed at Lynch's Beach, Alva in 2022 in conjunction with NQ Dry Tropics (NQDT), whereby the NQDT facilitated plant sourcing and planting as part of one of their projects.

Council is wishing to avail itself to the expertise of NQDT to perform a similar role for the Wunjunga/Beachmount project. In order to meet the contracting provisions of the Local Government Act Regulation 2012, Council must pass a resolution that NQ Dry tropics is the only supplier reasonably available to undertake this work.

Recommendation

That in accordance with Section 235 (a) and (b) of the Local Government Regulation 2012, Council resolve that NQ Dry Tropics is the only supplier reasonably available to Council to undertake the planning, procurement and planting role for the Wunjunga/Beachmount Dune Protection Works Project.

Resolution

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

CARRIED

9.42am Councillor McLaughlin re-entered the meeting and resumed the chair.

9.43am - Mr. D. Mulcahy left the meeting.

7.2. OPERATIONS

7.2.1. Supply and Installation of Fencing at Ayr Aerodrome

Executive Summary

Tenders for TBSC/23/004 – Supply and Installation of Fencing at Ayr Aerodrome closed at 2.00 pm on 10 May 2023.

Forty-eight sets of documents were requested and issued to prospective tenderers.

Seven (7) tenders were received at the nominated closing time, five (5) from regional companies, one (1) from Central Queensland and one (1) from South Australia. A late tenderer which cannot be considered was received by email from a company in Victoria.

Recommendation

That Council accepts the alternative tender for Option 4 submitted by Townsville Fencing Around for the amount of \$ 207,500.00 Ex GST. This being the most advantageous alternative tender to Council.

Resolution

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

CARRIED

7.3. PLANNING AND DEVELOPMENT

7.4. TECHNICAL SERVICES

7.4.1. Faulty or Broken Water Meter Policy

Executive Summary

This policy is to provide Council with a method of charging for water consumption where the water meter has been found to be faulty or broken.

This policy has been reviewed in accordance with the review schedule and is now presented to Council for re-adoption with minor amendments.

Recommendation

That Council adopts the Faulty or Broken Water Meter Policy attached to this report.

Resolution

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

CARRIED

7.4.2. Undetected Water Leak Policy

Executive Summary

This policy explains how Burdekin Shire Council will manage requests for financial adjustments related to undetected water leaks of potable water.

Recommendation

That Council adopts the Undetected Water Leak Policy attached to this report.

Resolution

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

CARRIED

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 10.50am.

These minutes were confirmed by Council at the Ordinary Council Meeting on 27 June 2023.

MAYOR
