



# Burdekin Shire Council

## **AGENDA**

### **ORDINARY COUNCIL MEETING**

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

**on 12 September 2023**

**COMMENCING AT 9:00 AM**

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## **ORDER OF BUSINESS:**

### **ATTENDANCE**

#### **2. PRAYER**

#### **3. DECLARATIONS OF INTEREST**

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

**4.1. Ordinary Council Meeting Minutes - 22 August 2023**

**4.2. Burdekin Shire Road Safety Advisory Meeting Minutes - 16 August 2023**

#### **5. EXECUTIVE**

**5.1. CEO**

**5.2. ECONOMIC DEVELOPMENT**

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

**6.1. CLIENT SERVICES**

**6.2. COMMUNITY DEVELOPMENT**

**6.3. FINANCIAL AND ADMINISTRATIVE SERVICES**

**6.4. GOVERNANCE**

**6.4.1. Local Roads and Community Infrastructure Program - Phase 4 - Project Nominations**

**6.4.2. Proposed Amendment to Subordinate Local Law 1.4 (Installation of Advertising Devices) 2012**

**6.4.3. Declaration of Gifts, Benefits, and Prizes Policy**

**6.4.4. TBSC/23/013 - Tender for Supply and Operation of an Aviation Fuel Facility at the Ayr Aerodrome**

**6.4.5. TBSC/22/014 - Tender for Paddock Rental - Land adjoining Ayr Industrial Estate**

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

**7.1. ENVIRONMENTAL AND HEALTH SERVICES**

**7.1.1. Flying Fox Roost Management Plan Grant Application and Council Contribution**

**7.1.2. Reef Trust Partnership Accelerator Grants - Community Climate Action for the Reef Application**

**7.2. OPERATIONS**

**7.3. PLANNING AND DEVELOPMENT**

**7.4. TECHNICAL SERVICES**

**7.4.1. TBSC/23/019 - Tenders for the Supply and Delivery of One Fuel and Maintenance Truck**

**7.4.2. TBSC/23/017 - Tenders for the Supply and Delivery of Two Trucks with Tipper Bodies**

#### **8. NOTICE OF MOTION**

#### **9. RECEIPT OF PETITIONS**

#### **10. CORRESPONDENCE FOR INFORMATION**

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11. **GENERAL BUSINESS**
  12. **CLOSED BUSINESS ITEMS**
  13. **DELEGATION**

#### **4.1. MINUTES AND BUSINESS ARISING**

##### **Ordinary Council Meeting Minutes - 22 August 2023**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 22 August 2023 be received as a true and correct record.

##### **Attachments**

1. Minutes - Ordinary Council Meeting - 22 August 2023



# Burdekin Shire Council

## **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 22 August 2023**

**COMMENCING AT 9:00 AM**

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## **ORDER OF BUSINESS:**

### **1. ATTENDANCE**

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

Mr. T. Brennan - Chief Executive Officer  
Mrs. K. Olsen - Acting 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. P. Day - Manager of Environmental and Health Services (Part)  
Ms. P. Prayaga - Coordinator Public Health and Environment (Part)  
Mr. W. Saldumbide - Manager Operations (Part)

Apologies - Councillor John Bonanno  
Mr. Nick O'Connor - Director Corporate and Community Services

Minutes Clerk - Mrs. S. Iturriaga

### **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 Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023 as her nephew is President of the Home Hill Harvest Committee and her close friends are Executive Members of the Burdekin Football Inc. Councillor McLaughlin advised of her intention to leave the meeting prior to this discussion.

Councillor Musumeci advised he had a Declarable Conflict of Interest in Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023 as his mother is on the Harvest Festival Committee. Councillor Musumeci advised of his intention to leave the meeting prior to this discussion.

Councillor Musumeci advised he had a Prescribed Conflict of Interest in Item 7.3.2 Superseded Planning Scheme Request - Proposed Material Change of Use for Bulk Store, General Industry, Environmentally Relevant Activity 7 and Hazardous Chemical Facility at 39-57 Home Hill Road, Ayr (Lot 1 on RP718903) as he has received a travel and accommodation package from Nutrien Ag Solutions as a result of his private company's dealing with the company, which is the applicant in this matter. Councillor Musumeci advised of his intention to leave the meeting prior to this discussion.

Councillor Boccalatte advised although she did not have a Declarable Conflict of Interest in Item 7.1.1 Change Representation on Decision Notice (MCU22/0016) Material Change of Use - Bulk Store and General Industry (Bulk Landscaping Supplies) 2-8 Railway Street, Ayr (Lot 15 on RP817086) but for the purposes of transparency she disclosed, the applicant Johnson's Landscaping & Earthmoving Pty Ltd were currently carrying out services on her property as a normal business transaction at arm's length.

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

##### **4.1. Ordinary Council Meeting Minutes - 8 August 2023**

###### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 8 August 2023 be received as a true and correct record.

###### **Resolution**

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

CARRIED

*9.13am Councillor McLaughlin left the meeting as she had Declarable Conflict of Interest in Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023 as her nephew is President of the Home Hill Harvest Committee and her close friends are Executive Members of the Burdekin Football Inc.*

*9.13am Councillor Musumeci left the meeting as he had Declarable Conflict of Interest in Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023 as his mother is on the Harvest Festival Committee.*

As the Mayor had a declarable Interest in Item 4.4.2 Community Grants Panel Minutes - Round 1 - 2 August 2023 and Councillor Perry was attending Via Teleconference, under the Burdekin Shire Council Standing Orders, Clause 2.3, it is required that a nominated Councillor be chosen by the remaining Councillors to preside over the discussion. Councillor Furnell nominated Councillor Boccalatte to assume the chair during the discussion of Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023. Councillor Musumeci Seconded. Councillor Boccalatte accepted.

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## 4.2. Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023

### Recommendation

#### Item 1 – Consideration of Grants Applications Round 1 – 2023/2024 Financial Year

No.	Applicant	Recommended Cash Funding	Recommended In-kind Support
1.1	Home Hill High School P & C	\$2,830.00	\$1,360.00
1.2	Home Hill Harvest Festival Committee. (Applicant to provide full acquittal prior to receipt of cash funds or encouraged to apply in Round 2)	\$4,755.00	\$4,755.00
1.3	Ayr Tennis Association	\$1,600.00	\$255.00
1.4	Burdekin BMX Club Inc (Applicant to provide full acquittal prior to receipt of cash funds or encouraged to apply in Round 2).	\$1,270.00	\$900.00
1.5	Burdekin Aero Club	\$2,500.00	
1.6	Lower Burdekin Celtic Dancing Association	\$3,500.00	
1.7	Burdekin Football Inc	\$4,000.00	
1.8	Burdekin Art Society	\$1,800.00	
1.9	Disaster Relief Australia	NIL	

That:

1. the minutes of the Community Grants Panel Meeting held on 2 August 2023 be noted, and;
2. it be noted that the cash funds for Community Grants Panel for the 2023/2024 Financial Year is \$50,000.00 and;
3. the recommended funding as detailed in the minutes and noted in Item 1.1 – 1.9 be adopted and;
4. it be noted that the remaining cash funds available for the 2023/2024 Financial Year after the allocation from Round 1 will be \$27,745.00.

### Resolution

Moved Councillor Furnell, seconded Councillor Detenon that the recommendation be adopted noting the recommended Cash Funding value for Home Hill Festival Committee should be \$5,000.00.

CARRIED

*9.19am - Councillor McLaughlin and Councillor Musumeci entered the meeting. Councillor McLaughlin resumed the chair.*



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#### **4.3. Audit Committee Meeting Minutes - 9 August 2023**

##### **Executive Summary**

This report provides the Minutes of the Audit Committee Meeting held on 9 August 2023.

##### **Recommendation**

##### **Item 3 Minutes from the previous Audit Committee Meeting**

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

##### **Items 4.1 and 4.2 Draft Financial Statements and Points of Note/Review Management Assurance and Compliance Representations**

That the Committee endorse the management representations and draft financial statements with minor amendments to be implemented before submitting to the auditor.

##### **Item 5.1 Internal Valuation Report**

That the Committee note the Internal Valuation Report.

##### **Item 6.1 and 6.2 QAO Briefing Paper and Interim Report**

That the Committee note the QAO Briefing Paper and Audit progress update.

##### **Item 6.3 Consider need for closed briefing session with Crowe Horwath/QAO**

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

##### **Item 7.1 Presentation of Risk Management Committee Meeting Minutes**

That the Committee note the minutes of the Risk Management Committee Meeting held on 14 June 2023 and the Agenda and Papers be supplied to the Audit Committee along with the meeting minutes for future meetings.

##### **Item 7.2 Progress Report on implementation of agreed management action items from Internal and External Audit**

That the Committee accept the Agreed Management Action Item Status Report and endorse the amended due dates.

##### **Item 7.3 Cyber-Security Update**

That the Committee note the Cyber-Security Update.

That:

1. the minutes of the Audit Committee meeting held on 9 August 2023 be noted; and
2. the recommendations as detailed in the minutes and summarised in items 3 to 7.3 above be adopted.

##### **Resolution**

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

CARRIED

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#### **4.4. Burdekin Shire Youth Council Meeting Minutes - 17 July 2023**

##### **Executive Summary**

This report provides the minutes of the Burdekin Shire Youth Council Meeting held on 17 July 2023.

##### **Recommendation**

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 17 July 2023 be noted and adopted.

##### **Resolution**

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

CARRIED

#### **5. EXECUTIVE**

##### **5.1. CEO**

##### **5.1.1. Execution of Contracts – Macro-algae Bioremediation Project**

##### **Executive Summary**

Council, at its meeting held on 11 July 2023, approved the delegation of powers to the Chief Executive Officer to negotiate, finalise and enter into contracts with RegenAqua Pty Ltd associated with the Macro-algae Bioremediation project. Under the project there are two (2) separate contracts, a design and construction contract for the new facility and following completion of construction, an operation and maintenance contract.

Contract negotiations have been ongoing and have recently been finalised, with both contracts being executed by the respective parties on 11 August 2023. The one major change from the details previously outlined to Council relates to the term of the operation and maintenance contract, with the proposed term of 15 years being reduced to 12 years. This is to reflect the current term of the Technology Licence held by RegenAqua through its parent company, Pacific Biotechnologies (Australia) Pty Ltd.

It is anticipated that site works on the new facility will commence in September/October 2023 following completion of the earthworks pad that is being constructed by Council.

##### **Recommendation**

That Council note the report by the Chief Executive Officer on the finalisation of contract negotiations with RegenAqua Pty Ltd for contracts associated with the design and construction and subsequent operation and maintenance of the Macro-algae Bioremediation facility at the Ayr-Brandon Waste Water Treatment Plant.

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## **Resolution**

Moved Councillor Boccalatte, seconded Councillor Furnell 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. Burdekin Shire Council Fees and Charges, Burdekin Theatre and Memorial Hall Hire Fee Discount and Not-for-Profit Definition**

##### **Executive Summary**

Burdekin Shire Council's fees and charges currently provides a 20% discount (excluding labour hire rates) for community and Not-for-Profit organisations (NFP) for events at Burdekin Theatre and Memorial Hall. Historically discounting has not differentiated between local community NFP and for-profit businesses.

To rectify this anomaly Council will need to determine an agreed definition to apply to what constitutes community and/or Not-for-Profit organisations.

##### **Recommendation**

1. That the definition for Council approved community and Not-for-Profit organisations entitled to a 20% discount for hire (excluding labour hire costs) of the Burdekin Theatre and Burdekin Memorial Hall is:

- A. Local Not-for-Profit Incorporated community organisations benefitting the Burdekin Shire Council Local Government Area, that have the following attributes:
  - a. does not operate for the profit, personal gain, or other benefit of particular people (for example, its members, the people who run the organisation, or their friends or relatives as defined by the Australian Charities and Not-for-profits Commission).
  - b. The assets and income of the organisation shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members of the organisation except as genuine compensation for services rendered or expenses incurred on behalf of the organisation.
  - c. have only charitable purposes that are for the public benefit.
  - d. not have a disqualifying purpose.
  - e. not be an individual, a political party or a government entity.

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B. Educational Schools and associated pre; primary and secondary school groups (as defined by the Australian Taxation Office) that are based in the Burdekin Shire Council Local Government Area.

2. That historical community discounting arrangements cease for hirers that do not meet the definition
3. That the Cultural Venues Manager meet with impacted organisations to inform them of the change.

### **Resolution**

Moved Councillor Furnell, seconded Councillor Musumeci that the recommendation be adopted noting changes to the recommendation to now read:

1. That the definition for Council approved community and Not-for-Profit organisations entitled to a 20% discount for hire (excluding labour hire costs) of the Burdekin Theatre and Burdekin Memorial Hall is:

A. Local Not-for-Profit Incorporated community organisations benefitting the Burdekin Shire Council Local Government Area, that have the following attributes:

- a. does not operate for the profit, personal gain, or other benefit of particular people (for example, its members, the people who run the organisation, or their friends or relatives as defined by the Australian Charities and Not-for-profits Commission).
- b. The assets and income of the organisation shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members of the organisation except as genuine compensation for services rendered or expenses incurred on behalf of the organisation.
- c. have only charitable purposes that are for the public benefit.
- d. not have a disqualifying purpose.
- e. not be an individual, a political party or a government entity.

B. Educational Schools and associated pre; primary and secondary school groups (as defined by the Australian Taxation Office) that are based in the Burdekin Shire Council Local Government Area.

2. That the Cultural Venues Manager meet with impacted organisations to inform them of the change.

CARRIED

### **6.3.2. Monthly Financial Report - July 2023**

#### **Recommendation**

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

#### **Resolution**

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

CARRIED

*9.42am - Mr. Day and Ms. Prayaga entered the meeting.*

*9.48am - Mr. Blackwell left the meeting.*

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## **6.4. GOVERNANCE**

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

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

#### **7.1.1. Contract Term - Burdekin Cascades Caravan Park**

##### **Executive Summary**

Each year that tenders are called for the management of Council services, the number of respondents is decreasing. This is an issue faced by many Councils. By extending the terms of the contract, Council may attract a wider variety of applicants.

##### **Recommendation**

That Council approves the extension to the term of the Burdekin Cascades Caravan Park management contract to a base period of five (5) years with two (2) x 12 month extensions.

##### **Resolution**

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

CARRIED

#### **7.1.2. Adoption of Revised Herbicide Subsidy Policy**

##### **Executive Summary**

Council and staff undertake a periodic review of the Herbicide Subsidy Policy to determine if any improvements or changes are required. The policy sets guidelines for providing financial support to Burdekin Shire landholders for provision of herbicide.

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 Herbicide Subsidy Policy.

##### **Resolution**

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

CARRIED

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### **7.1.3. Adoption of Revised Wild Dog Control Assistance Policy**

#### **Executive Summary**

Council and staff undertake a periodic review of the Wild Dog Control Assistance Policy to determine if any improvements or changes are required. The policy sets guidelines for providing financial support to Burdekin Shire landholders who need assistance in baiting/trapping wild dogs on their property.

#### **Recommendation**

That Council adopts the attached revised Wild Dog Control Assistance Policy.

#### **Resolution**

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

CARRIED

### **7.1.4. 2022/2023 Annual Report of Actions and Progress in the Mosquito Management Plan 2020/2025**

#### **Executive Summary**

The Council's Mosquito Management Plan 2020-25 was adopted by Council on 8 September 2020. Best practice includes a requirement for the progress of the Plan to be reviewed formally every 12 months by the Council and updates provided. This is the annual report for financial year 2022-23.

#### **Recommendation**

That the Report on the operational activities for 2022-2023 from the Council's Mosquito Management Plan 2020-2025 be received and noted.

#### **Resolution**

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

CARRIED

### **7.1.5. 2022/2023 Annual Report of Actions and Progress in Burdekin Shire Biosecurity Plan 2020/2025**

#### **Executive Summary**

The Council's Biosecurity Plan 2020/25 was adopted by Council on 31 July 2020. The Plan includes a requirement for the progress of the Plan to be reviewed formally every 12 months by the Council and updates provided to all stakeholders. This is the annual report for financial year 2022/23.

#### **Recommendation**

That the Report on the operational activities for 2022/2023 from the Council's Biosecurity Plan 2020-2025 be received and noted.

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## Resolution

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

CARRIED

*10.33am - Meeting adjourned for Morning Tea. At this time Mr. Day and Ms. Prayaga left the meeting.*

*11.04am - Meeting recommenced.*

*11.05am - Mrs. Galletta entered the meeting.*

*11.08am - Mr. Saldumbide entered the meeting.*

## 7.2. OPERATIONS

## 7.3. PLANNING AND DEVELOPMENT

### 7.3.1. Change Representations on Decision Notice (MCU22/0016) Material Change of Use - Bulk Store and General Industry (Bulk Landscaping Supplies) 2-8 Railway Street, Ayr (Lot 15 on RP817086)

#### Executive Summary

Council is in receipt of Change Representations in relation to a number of conditions of approval for the Development Permit (MCU22/0016) issued for a Material Change of Use – Bulk Store and General Industry Bulk Landscaping Supplies at 2-8 Railway Street, Ayr (Lot 15 on RP817086).

Change Representations seeking a negotiated decision notice were lodged with Council on the 27 July 2023, by Milford Planning on behalf of the applicant Johnson's Landscaping & Earthmoving Pty Ltd (refer Attachment A).

The Change Representations seek to amend all or part of the following Conditions: 8,19,20,26 and 27 (refer Attachment B for copy of the original decision notice issued).

Council officers have reviewed and considered the Change Representations and have recommended technical amendments to Conditions 8 and 26 in part, with administrative only changes to Conditions 19, 20 and 27. Attachment C provides the amendments to the conditions where proposed deletions have been shown using ~~strikeout~~ and amendments and additions shown in **bold**.

#### Recommendation

That Council issue a Negotiated Decision Notice for the Development Permit (MCU22/0016) for a Material Change of Use – Bulk Store and General Industry Bulk landscaping Supplies at 2-8 Railway Street, Ayr, subject to the amended conditions, as set out below:

Condition	Reason	Timing
<b>1 General and Administration</b> <u>Compliance with Conditions</u> 1.1 The Applicant (and any contractor, agent, employee or invitee of the applicant) is responsible for carrying out the approved development and ensuring compliance with this development approval, the conditions of the approval and the relevant requirements in accordance with: 1.1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the relevant technical reports. 1.1.2 The development must comply in full <u>with</u> all conditions of this approval, and is to be designed, constructed and maintained in accordance with relevant Planning Scheme requirements, Council policies, guidelines and standards (except as otherwise specified by any condition) to Council's satisfaction, and best practice engineering. 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) of the development approval will prevail. 1.3 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation. <u>Notice of Intention to Commence the Use</u> 1.4 Prior to the commencement of the use on the land the subject of the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use. <u>Works – Applicant's Responsibility/Expense</u> 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 by the applicant, at no cost to the Council. 1.6 The applicant must repair any damage to existing infrastructure ( <u>e.g.</u> kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately. 1.7 Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council. <u>Infrastructure Conditions</u> 1.8 All development conditions contained in this development approval relating to 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.		
<b>2. Approved Plans and Documents</b>		

Condition	Reason	Timing
<u>Approved Plans &amp; Documents</u> 2.1 The proposed development and use of the site 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. 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 One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.		
<b>Approved Plans</b>		
<b>Drawing Title</b>	<b>Drawing/Revision</b>	<b>Date</b>
Layout Concept Plan – Johnson's Landscaping & Earthmoving	M1975-SK-01; Issue D; Sheet 1	23.09.2022
<b>Associated Reports</b>		
Development application (including response to Information Request) prepared by Milford Planning.		

<b>3. Outstanding charges</b> 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.		
<b>4. Operation of the Use/Limitation of Approval</b> 4.1 This approval is limited to 'Bulk Store' and 'General Industry' uses as defined by Schedule 1, Division 2 – Defined Uses and Use Classes of <i>Burdekin Shire IPA Planning Scheme 2011</i> . 4.2 <u>Specifically</u> the approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 2.		
The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.		At all times.



Condition	Reason	Timing
<p>4.3 No other operations and/or activities are allowed other than that approved by this permit.</p> <p>4.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant.</p> <p>4.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.</p>		
<p><b>5. Water Supply</b></p> <p>5.1 Development is to be connected to <del>the existing</del> Councils reticulated water supply network.</p> <p>5.2 Provide a statement and/or report from a suitably qualified person for assessment and approval by Council that:</p> <ul style="list-style-type: none"> <li>i. provides a capacity assessment for the development's connection to Council's reticulated water supply network; and</li> <li>ii. details of how the development will achieve the required fire-fighting flows.</li> </ul> <p>5.3 Obtain approval from Council for the statement and/or report in accordance with 5.2 above.</p> <p>5.4 Implement the requirements and recommendations of the approved statement and/or report. The approved statement and/or report will form part of the approval.</p> <p>5.5 Any alterations required to Council's water reticulation network must be submitted as part of the application for Operational Works and approved Council.</p> <p>5.6 Any alterations required to Council's water reticulation network are to be completed at the applicant's full cost with no cost to Council.</p>	To ensure that the premises is appropriately serviced by reticulated water supply infrastructure for general use and firefighting in accordance with relevant, legislation code/s and policy direction.	<ul style="list-style-type: none"> <li>i. Prior to commencement of use and <u>at all times</u>.</li> <li>ii. Technical details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.</li> </ul>
<p><b>6. On Site Wastewater Treatment</b></p>	To ensure that the premises is appropriately serviced in accordance with relevant	<ul style="list-style-type: none"> <li>i. Prior to commencement of use and <u>at all times</u>.</li> </ul>

Condition	Reason	Timing
<p>6.1 Provide a statement and/or report for assessment and approval by Council from a suitably qualified person that provides an assessment of the existing onsite sewage treatment infrastructure to demonstrate that it is suitably sized and complies with current standards for the proposed developments activities.</p> <p>6.2 Obtain approval from Council for the statement and/or report in accordance with 6.1 above.</p> <p>6.3 Implement the requirements and recommendations of the approved statement and/or report. The approved statement and/or report will form part of the approval.</p> <p>6.4 Any alterations proposed/required to the onsite sewage treatment infrastructure must be approved Council.</p> <p>6.5 Any alterations required are to be completed at the applicant's full cost with no cost to Council.</p> <p><i>Advisory Note: Any new wastewater treatment unit or land application system will require a plumbing and drainage permit prior to the commencement of work.</i></p>	legislation code/s and policy direction, as the site is not connected to Councils reticulated sewerage system.	<ul style="list-style-type: none"> <li>ii. <u>Technical</u> details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.</li> </ul>
<p><b>7. Stormwater</b></p> <p>7.1 Provide a Stormwater Management Plan for assessment and approval by Council for the development, prepared by a suitably qualified person that includes:</p> <ul style="list-style-type: none"> <li>i. lawful point of discharge.</li> <li>ii. proposed drainage path downstream of the development site.</li> <li>iii. demonstrating how the proposed stormwater management will meet water quality and quantity requirements/guidelines.</li> <li>iv. demonstrates that the proposed works on site will not have a worsening effect on adjoining landowners as a result of this development.</li> <li>v. measures taken to minimise the risk of environmental harm to receiving waters and damage to Council's infrastructure.</li> </ul>	To ensure the premises appropriately manages and convey stormwater legally and in an environmentally responsible manner in accordance with relevant legislation, code/s and policy direction.	<ul style="list-style-type: none"> <li>i. Prior to commencement of use and <u>at all times</u>.</li> <li>ii. Technical details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.</li> </ul>

Condition	Reason	Timing
<p>vi. Demonstrate how the development achieves the applicable stormwater management design objectives listed in Part G, Appendix 2 of the State Planning Policy, July 2017.</p> <p>7.2 Obtain approval from Council for the management plans in accordance with 7.1 above.</p> <p>7.3 Implement the requirements and recommendations of the approved management plans. The approved plans will form part of the approval.</p> <p>7.4 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including 1% AEP.</p> <p>7.5 Any stormwater discharged to Railway Street surface drainage must be at a rate equal or lower than pre-development flows.</p> <p>7.6 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.</p> <p>7.7 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p>		
<p><b>8. Roadworks, Access, Parking and Traffic</b></p> <p>8.1 Access to the site must be left in and left out only.</p> <p>8.2 The installation of a concrete splitter island, adequate signage and pavement marking at the entrance to the property to direct traffic in the required direction to achieve the left in, left out control.</p> <p>8.3 Auxiliary Left Turn (AUL) treatment must be constructed for the left turn movement into the development site.</p> <p>8.4 A 3.0m widening with a 1 in 10 taper must be constructed on the left turn movement out of the development site.</p> <p><del>8.5 Access to the site must be left in and left out only. The installation of a concrete splitter island, adequate signage and pavement marking at the</del></p>	To ensure development mitigates its impact on the road network and safety of road users in this location and is appropriately serviced by parking and access facilities in accordance with relevant legislation, code/s and policy direction.	<p>i. Technical details are to be submitted to council as part of an application for Operational Work; and</p> <p>ii. Maintained for the life of the development.</p>

Condition	Reason	Timing
<p><del>entrance to the property to direct traffic in the required direction to achieve the left in, left out control.</del></p> <p>8.6 <del>If the applicant requires the site to accommodate right in and right out traffic movements, then a Channelised Right Turn (CHR) treatment will be required on Railway Street.</del></p> <p>8.5 All widenings/intersection works within the road reserve must have an asphalt seal.</p> <p>8.6 Access to the site from the boundary to the gate must be bitumen seal, asphalt seal or concrete.</p> <p>8.7 All turn treatments must be designed in accordance with the relevant Austroads and TMR guidelines/standards for road design.</p> <p>8.8 Provide a minimum of ten (10) on site car parking spaces including sufficient disability car parking spaces.</p> <p>8.9 All on-site parking bays, loading areas and manoeuvring areas are to be designed in accordance with AS2890.1, AS2890.2 and AS 2890.6.</p> <p>8.10 Appropriate directional signage to be implemented on site.</p> <p>8.11 Ensure the area/s set aside for parking, vehicle manoeuvring and loading and unloading are not used for the storage or placement of goods or materials.</p> <p>8.12 Ensure the loading and unloading of vehicles, or vehicles waiting to be loaded or unloaded, and the delivery of goods to and from the premises are located and conducted to cause minimum interference.</p> <p>8.13 Ensure the car parking spaces for 'Staff' are designated and identified with appropriate signage.</p> <p>8.14 Prior to the construction of the access, submit a plan from a suitably qualified person showing:</p> <ol style="list-style-type: none"> <li>Site specific layout plan of the location of the access.</li> <li>Construction materials.</li> <li>Existing surface levels.</li> <li>Finished surface levels.</li> <li>Length and width of access.</li> </ol>		

Condition	Reason	Timing
vi. A 1:50 scaled cross section through the proposed access. 8.15 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.		
<b>9. Landscaping and Screening</b> Maintain the existing mature trees and existing fencing provisions on site.	To ensure the existing appearance of the development is maintained in accordance with Council's policy direction.	To be maintained for the life of the development.
<b>10. Notice of Intention to Commence the Use</b> <del>Prior to the commencement of the use on the land the subject of the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.</del>		<del>Prior to the commencement of the use.</del>
<b>10. Building Materials</b> The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.	To ensure protection of matters of public amenity in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the development.
<b>11. Property Numbering</b> Legible property numbers must be erected at the premises and must be maintained. The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.	To allow the general public, service and emergency service providers to effectively identify the property.	Prior to the commencement of the use and maintained for the life of the development.
<b>12. Relocation of Services or facilities</b> <del>Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council.</del>	<del>To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.</del>	<del>Prior to the development achieving on maintenance or commencement of use.</del>
<b>12 Storage</b> 12.1 Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building <del>so as to</del> be visible from any public road or thoroughfare. 12.2 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 in accordance with relevant code/s and policy direction.	At all times following the commencement of the use.

Condition	Reason	Timing
12.3 Any storage on site is required to be screened from view from all roads and adjacent properties.		
<b>13. Screening of Plant and Utilities</b> Unless otherwise agreed in writing by council, all plant and utilities must be screened or located so as not to be visible from the street.	To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the development.
<b>14. Soil Erosion Minimisation, Sediment Control</b> <del>Erosion and sediment control management including site specific stormwater treatment devices must be installed and maintained to the satisfaction of the Chief Executive Officer.</del>	<del>To ensure that receiving waters during operation of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.</del>	<del>At all times.</del>
<b>15. Air</b> <del>a. No release of contaminants, including but not limited to dust, fumes, odour or aerosols are to cause or be likely to cause an environmental nuisance beyond the boundaries of the premises to which this development permit relates.</del> <del>b. A dust management plan must be prepared and submitted to council for assessment and approval.</del>	<del>To manage and to minimise the risk of causing environmental harm including the potential adverse impacts of dust hazards, as per the requirements of the Environmental Protection Act 1994.</del>	<del>Technical details are to be submitted to council as part of an application for Operational Work.</del>
<b>18. Environmental Health</b> <b>Contaminants/Hazardous chemicals</b> 18.1 All chemicals and/or environmentally hazardous liquids must be contained within a covered, sealed and bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five per cent (25%) of the total storage capacity. 18.2 An incidents register must be kept at the premises, and it must <u>record</u> <del>i. any incidents including but not limited to: any fire at the premises; and</del> <del>ii. any release of contaminants not in accordance with the development approval conditions.</del> 18.3 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained	To manage and to minimise the risk of causing environmental harm and to ensure that if a spill occurs there are adequate control measures in place.	i. Technical details are to be submitted to council as part of an application for Operational Work; and  ii. Maintained for the life of the development.

Condition	Reason	Timing
<p>regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:</p> <ul style="list-style-type: none"> <li>i. a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite.</li> <li>ii. a broom, shovel, face shield,</li> <li>iii. chemically resistant boots and gloves.</li> <li>iv. and waste bags and ties.</li> </ul> <p>18.4 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.</p> <p>18.5 Contaminants or contaminated water must not be directly or indirectly released to surface water or groundwater at or outside the site except for:</p> <ul style="list-style-type: none"> <li>i. uncontaminated overland stormwater flow, or</li> <li>ii. uncontaminated stormwater to the stormwater system.</li> </ul> <p>18.6 Fuels, oils, chemicals and similar materials must be stored in bunded and covered areas or otherwise stored in a manner whereby any spillage is not subject to stormwater or stormwater runoff.</p> <p>18.7 Rainfall and stormwater runoff which may contact wastes or contaminants on the site must not be released to any stormwater drain, roadside gutter or waters.</p>		
<p><b>19 Environmental Management</b></p> <p>19.1 An Environmental Management Plan prepared by a suitably authorised person is to be submitted to Council for assessment and approval, prior to the commencement of any works.</p>	<p>To manage and to minimise the risk of causing environmental harm and to ensure adequate control measures are in place.</p>	<ul style="list-style-type: none"> <li>i. Technical details are to be submitted to Council as part of an application for Operational Work.</li> <li>ii. Works to be completed prior to the commencement of the use.</li> </ul>

Condition	Reason	Timing
<p>19.2 Prior to commencement of any work on the site, the applicant must submit to Council for approval, a site-based Erosion Prevention and Sediment Control Plan for the site.</p> <p>19.3 The plan must be prepared in accordance with Best Practice Erosion &amp; Sediment Control – November 2008 (IECA White Book).</p> <p>19.4 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).</p> <p>19.5 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.</p> <p>19.6 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.</p> <p>19.7 Where potential or actual environmental harm may be caused by the approved development, Council may at any time direct the Applicant, or persons acting on behalf of the Applicant, to:</p> <ul style="list-style-type: none"> <li>• cease an <u>activity</u></li> <li>• implement appropriate impact control <u>measures</u></li> <li>• modify work plans or methods.</li> </ul>		<ul style="list-style-type: none"> <li>iii. To be maintained for the life of the development.</li> </ul>
<p><b>20. Site Management</b></p> <p>20.1 Provide a Site Based Management Plan that addresses/details at a minimum for all works occurring pre, during and post construction works; on-going site activities; cessation of use, as follows:</p> <p><u>Pre and during construction and on-going site activities:</u></p>	<ul style="list-style-type: none"> <li>i. To manage and to minimise disruption to the local Community and users of the site and construction workers while works are occurring and for the life of the</li> </ul>	<ul style="list-style-type: none"> <li>i. Technical details are to be submitted to Council as part of an application for Operational Work</li> </ul>

Condition	Reason	Timing
<ul style="list-style-type: none"> <li>Site establishment activities and works on site proposed.</li> <li>Access arrangements.</li> <li>On site movement and activities including parking.</li> <li>All infrastructure and servicing existing on site and all existing public utilities, services and Council assets.</li> <li>Material storage on site.</li> <li>Stockpiling of materials on site.</li> <li>Emergency response procedures for spills</li> <li>Storage of hazardous materials</li> <li>Waste management</li> </ul> <p>20.2 Provide a professionally prepared erosion and sediment control plan for the proposed earthworks that includes stormwater management and sediment controls during and post construction, for approval by Council and installed and maintained to the satisfaction of Council.</p>	<p>development and at the cessation of the use.</p> <p>ii. 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.</p>	<p>ii. At all times during the construction phase.</p> <p>iii. Maintained for the life of the development.</p>
<p><b>21. Noise Management – General</b></p> <p>21.1 The proposed activity must be conducted in a manner that applies such reasonable and practicable means to avoid, minimise or manage the emission or likelihood of emission of noise that constitutes an intrusive or noise nuisance.</p> <p>21.2 In the event of a complaint being received by Council in relation to noise associated with the use that is considered reasonable, the emission of noise from the development must not result in levels greater than 5dB Leq above background noise at the sensitive receptor.</p> <p>21.3 If required, the developer/operator must engage a suitably qualified acoustic consultant to undertake an assessment addressing noise emanating from the site for this use in accordance with the provisions of the <i>Environmental Protection Act 1994</i>, <i>Environmental Protection (Noise) Policy 2019</i>, <i>Environmental Protection Regulation 2019</i> and Australian Standard AS 1055 Acoustics to the satisfaction of the Burdekin Shire Council.</p>	<p>To ensure the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>At all times during operation, for the life of the development.</p>
Condition	Reason	Timing
<p>21.4 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of noise attenuation measures. The developer/operator must provide a copy of the report to Council and undertake any works (if required from the report) within 3 months at no cost to Council.</p>		
<p><b>22. Odour Management</b></p> <p>22.1 Implement odour control measures during the operation and life of the development to prevent an environmental nuisance from affecting nearby sensitive receptors.</p> <p>22.2 In the event of a complaint being received by Council in relation to odour associated with the use that is considered reasonable, the developer/operator must engage a suitably qualified consultant to undertake an assessment addressing odour emanating from the site for this use in accordance with the provisions of the <i>Environmental Protection Act 1994</i>.</p> <p>22.3 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of odour attenuation measures. The developer/operator must provide a copy of the report to Council and undertake any works (if required from the report) within 3 months at no cost to Council.</p>	<p>To ensure that the use does not cause an odour nuisance to nearby sensitive receptors, in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>During the operation and life of the development.</p>
Nuisance		
<p><b>14. Environmental Management and Avoiding Nuisance</b></p> <p>14.1 At all times, the proposed activity shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards.</p> <p>14.2 No off site release of prescribed contaminants is permitted.</p> <p>14.3 The proposed activity must be conducted in a manner that applies such reasonable and practical means to avoid, minimise or</p>	<p>To manage and to minimise the risk of the development causing environmental harm and to ensure adequate control measures are in place.</p> <p>Concrete is a prescribed contaminant under the <i>Environmental Protection Act 1994</i>.</p>	<p>i. The Environmental Management Plan is to be submitted to Council as part of an application for Operational Work.</p>



Condition	Reason	Timing
<p>manage the mission or likelihood of emissions that constitutes noise, dust, light, vibration and odour nuisances.</p> <p><u>Environmental Management Plan</u></p> <p>14.4 An Environmental Management Plan (EMP) prepared by a suitably qualified and experienced person, must <u>be submitted</u> to Council for approval.</p> <p>14.5 The EMP must be site specific and activity specific for a general industry activity in this location.</p> <p>14.6 The EMP must address/detail at minimum <u>but not limited to</u>, matters of <u>site based</u> management pre, during and post construction, stormwater management, prescribed contaminants release, storage of hazardous chemicals, vibration, dust, noise, light and odour emissions, erosion sediment control and refuse and waste management. The EMP must also have a section for Incident recording including management and corrective action recording.</p> <p>14.7 The final EMP and its associated control measures and any conditions or amendments thereto approved by Council must be <u>implemented and maintained by the applicant/owner at all times</u>.</p> <p>14.8 A copy of the Environmental Management Plan for the site must be <u>held on site at all times</u> and produced if requested by Council officers. All staff, including sub-contractors, must be inducted and familiar with the plan.</p> <p>14.9 Where potential or actual environmental harm may be caused by the approved development, Council may at any time direct the applicant/owner, or persons acting on behalf of the applicant/owner, to:</p> <ul style="list-style-type: none"> <li>i. cease an <u>activity</u></li> <li>ii. implement appropriate impact control <u>measures</u></li> <li>iii. modify work plans or methods.</li> </ul>	<p>The site is not connected to Council's reticulated sewerage system, therefore appropriate wastewater management on site must be addressed.</p> <p>To ensure that the use of the site does not cause unacceptable nuisance to nearby sensitive receptors, in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<ul style="list-style-type: none"> <li>ii. All works to be completed and measures in place prior to the commencement of the use.</li> <li>iii. To be maintained for the life of the development.</li> </ul>

Condition	Reason	Timing
<p><b>15. Outdoor Lighting</b></p> <p>15.1 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.</p> <p>15.2 All illuminated signage must be turned off when the facility is closed.</p> <p><i>Note: Australian Standard 4282 to be checked at time of condition to ensure it is current, in terms of year of revision.</i></p>	<p>To ensure that the use does not cause a light nuisance to road uses in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>Prior to commencement of the use and to be maintained for the life of the development.</p>
<p><b>16. Refuse Facilities and Waste Management</b></p> <p>16.1 Refuse collection arrangements, <b>waste and recycling services</b> must be provided by the developer to the satisfaction of Council, <b>in accordance with</b> <del>in particular:</del></p> <ul style="list-style-type: none"> <li>a) <del>The approved waste storage area is to be of sufficient size to house all refuse bins including recycling bins.</del></li> <li>b) <del>All waste generated as a result of the construction of the development is to be effectively controlled and contained entirely within the boundaries of the site prior to disposal.</del></li> </ul> <p><del>24.2 All waste is to be disposed of in accordance with the <i>Environmental Protection Regulation 2019</i> and Council's waste management policy.</del></p> <p><del>24.3 Waste and recycling services must be provided in accordance with Council's Waste Management Policy.</del></p> <p>16.2 Wastewater and solid waste shall not be released to <u>stormwater</u>, groundwater, waterbodies or onto the ground.</p> <p>16.3 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.</p> <p>16.4 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter, with <b>appropriate records</b></p>	<p>To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant legislation code/s and policy direction.</p>	<ul style="list-style-type: none"> <li>i. Technical details are to be submitted to Council as part of an application for Operational Work.</li> <li>ii. Works to be completed prior to the commencement of the use.</li> <li>iii. To be maintained during the operation and life of the development.</li> </ul>

Condition	Reason	Timing
<p>maintained. These records must be available for inspection by Council when requested.</p> <p><del>16.5 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:</del></p> <p><del>a) the date, quantity and type of waste removed.</del></p> <p><del>b) a copy of any licensed waste transport vehicle dockets.</del></p> <p><del>c) the name of the licensed regulated waste removalist and/or disposal operator; and</del></p> <p><del>d) the intended treatment and/or disposal destination of the waste.</del></p>		
<p><b>17. Signage</b></p> <p>17.1 Any signage to be associated with the use may require further approvals.</p> <p>17.2 No illuminated signage permitted.</p>	To maintain amenity for the surrounding area.	Prior to the commencement of the use.
<p><b>18. Hours of Operation</b></p> <p>Unless otherwise agreed in writing by council, the activities associated with the use must only be conducted at the following times:</p> <ul style="list-style-type: none"> <li>▪ Monday to Friday: 5am – 6pm.</li> <li>▪ Saturday <del>and Public Holidays</del>: 6am - 4pm.</li> <li>▪ Sunday <del>and Public Holidays</del>: 7am – 3pm.</li> </ul>	To ensure the development does not have a detrimental impact on the amenity of the surrounding land in accordance with relevant legislation code/s and policy direction.	At all times following the commencement of the use.
<p><b>19. Operational Works</b></p> <p>19.1 A Development Permit for Operational Works to carry out civil works required as a result of complying with conditions of the planning approval, is required prior to any works commencing on site.</p> <p><del>Obtain an Operational Works – Development Permit for the following:</del></p> <p><del>i. Condition 5 – Water Supply (if required)</del></p> <p><del>ii. Condition 6 – On Site Wastewater Treatment (if required)</del></p> <p><del>iii. Condition 7 – Stormwater</del></p> <p><del>iv. Condition 8 – Roadworks, Access, Parking and Traffic</del></p> <p><del>v. Condition 17 – Dust Management</del></p> <p><del>vi. Condition 18 – Environmental Health</del></p>		<p>i. Technical details are to be submitted to council as part of an application for Operational Work; and</p> <p>ii. Maintained for the life of the development.</p>

Condition	Reason	Timing
<p><del>vii. Condition 19 – Environmental Management</del></p> <p><del>viii. Condition 20 – Site Management</del></p> <p><del>ix. Condition 24 – Refuse Facilities</del></p> <p><i>Note - All engineering, soil erosion and sediment control design and documentation associated with such an application must be prepared and, where necessary, certified by a suitably qualified/experience person.</i></p> <p>19.2 An application for Operation Works is to be submitted to Council for assessment within 30 business days of receipt of planning approval for the material change of use.</p>		
<p><b>20. Building Approval – Site Office Building</b></p> <p>A development permit for building works for the site office is to be obtained before commencement of the use and any assessable building works are carried out on the land the subject of the approval.</p>		

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## Advice

<b>1. Infrastructure Charges</b> Not Applicable.
<b>2. General</b> Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.
<b>3. Water Supply</b> 3.1 Section 41 of the <i>Water Supply (Safety and Reliability) Act 2008</i> allows Council to impose restrictions on a customer should it consider: a. there is an urgent need for the service provider water restriction; or b. the available water supply has fallen to a level at which unrestricted use of the water is not in the public interest. 3.2 Should the water supply demand at any time in the future exceed the proposed demand, Council may impose restrictions on the supply of water to the property. If the applicant or any future owners of the subject site or part of the site require additional capacity in Council water supply, they may apply to Council to upgrade the network at the applicant's full cost. 3.3 Any proposed connection to Council water supply infrastructure is to be carried out by the Council at the applicant's full cost.
<b>4. Uses other than Bulk Store and General Industry</b> Any other uses proposed on this lot that are not defined as 'Bulk Store' and 'General Industry' and/or separately defined in <i>Council's Planning Scheme</i> will require a separate development application and permit as per the Planning Scheme requirements.
<b>5. Further Approvals Required</b> <b>a) Operational Work</b> A Development Permit for Operational Works to carry out civil works associated with the planning approval is required prior to any works commencing on site. An application seeking an Operational Works approval associated with the following conditions must be submitted to Council for approval within <b>thirty (30) business days</b> upon receipt of the planning approval for the material change of use, unless otherwise approved by Council. <b>b) Building Works</b> A Development Permit for Building Works to carry out building works prior to works commencing on site. <b>c) Plumbing Works</b> A Development Permit for Plumbing Works to carry out plumbing works prior to works commencing on site. <b>d) Road Works Permit</b> A Roadworks permit for works within the road reserve must be obtained.
<b>6. Further Inspections Required</b> <b>Compliance with Conditions</b> Inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to a further approval.
<b>7. Storage of Materials and Machinery</b>

All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by council.

## 8. Building Work Noise

The hours of audible noise associated with construction and building work on site must be limited to between the hours of:

- 6.30 a.m. to 6.30 p.m. Monday to Saturday; with
- No work on Sundays or Public Holidays.

## 9. Building Over/Adjacent to Services

The developer is advised that should any proposed building structures be located over/adjacent to an existing service, an application to Council for consent under Section 191 of the *Water Supply (Safety and Reliability) Act 2008* for building over or adjacent to services may be required.

## 16. Amenity Impacts

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, in accordance with the *Environmental Protection Act 1994*.

## 11. Miscellaneous

- a) If any item of cultural heritage is identified during site works, all work must cease, and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.  
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: [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)
- b) All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted outside the site, on road reserves or adjoining land unless written permission from the owner of that land and Council is provided.
- c) It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

## Resolution

Moved Councillor Detenon, seconded Councillor Boccalatte that the recommendation be adopted including the removal of Item 8.6 from Condition 8. Roadworks, Access, Parking and Traffic, as the applicant advised they do not require the site to accommodate right in and right-out traffic movements.

## CARRIED



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11.35am - Mr. Saldumbide left the meeting.

11.39am - Mr. Saldumbide entered the meeting.

11.49 Councillor Musumeci left the meeting at the commencement of this discussion as he had a Prescribed Conflict of Interest in Item 7.3.2 Superseded Planning Scheme Request - Proposed Material Change of Use for Bulk Store, General Industry, Environmentally Relevant Activity 7 and Hazardous Chemical Facility at 39-57 Home Hill Road, Ayr (Lot 1 on RP718903) as he has received a travel and accommodation package from Nutrien Ag Solutions as a result of his private company's dealing with the company, which is the applicant in this matter.

### **7.3.2. Superseded Planning Scheme Request - Proposed material Change of Use for Bulk Store, General Industry, Environmentally Relevant Activity 7 and Hazardous Chemical Facility at 39-57 Home Hill Road, Ayr (Lot 1 on RP718903)**

#### **Executive Summary**

Council is in receipt of an application lodged by Mewing Planning Consultants on behalf of their client and applicant Nutrien Ag Solutions requesting that Council agree to consider their material change of use proposal under the superseded Planning Scheme (*Burdekin Shire IPA Planning Scheme 2011*), which will allow their proposal to be assessed against the provisions of that Scheme and will be subject to a code level of assessment.

Following determination of whether the proposal will be accepted for assessment against the Superseded Planning Scheme, the applicant will be required to lodge a formal development application for the proposed material change of use, being a Bulk Store, General Industry, Environmentally Relevant Activity 7 and Hazardous Chemical Facility at the existing Nutrien Ag Solutions premises located 39-57 Home Hill Road, Ayr.

#### **Recommendation**

That Council agree to the request by Mewing Planning Consultants on behalf of their client and applicant Nutrien Ag Solutions, for Council to apply the Superseded Planning Scheme, specifically to the carrying out of development that was code assessable under the *Integrated Planning Act 1997* Superseded Planning Scheme (*Burdekin Shire IPA Planning Scheme 2011*) pursuant to section 29(4)(b) of the *Planning Act 2016*, in the assessment of the proposed development.

#### **Resolution**

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

CARRIED

11.53am - Mrs. Galletta left the meeting.

11.53am - Councillor Musumeci entered the meeting.

11.55am - Mr. Wellwood left the meeting.

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12.00pm - Mr. Wellwood entered the meeting.

#### **7.4. TECHNICAL SERVICES**

#### **8. NOTICE OF MOTION**

#### **9. RECEIPT OF PETITIONS**

#### **10. CORRESPONDENCE FOR INFORMATION**

#### **11. GENERAL BUSINESS**

##### **11.1 Request to Send Letter to Canegrowers Collectives for Consideration to be Given to Time and Conditions when Growers are Burning on the Edge of Urban Areas**

Councillor Furnell requested Council send a letter to the Canegrowers Collectives for consideration to be given to the timing and conditions when growers are burning cane near the edge of urban areas.

##### **Resolution**

Moved Councillor Furnell, seconded Councillor Musumeci that Council send a letter to the Canegrowers Collectives for consideration to be given to the timing and conditions when growers are burning cane on the edge of urban areas.

FOR - Councillors John Furnell, Sue Perry, Max Musumeci

AGAINST - Councillors Lyn McLaughlin, Michael Detenon, Kaylee Boccalatte

As the vote was tied, the Mayor used her casting vote to maintain the status quo determining that a letter will not be sent to the Canegrowers Collectives.

CARRIED

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**12. CLOSED BUSINESS ITEMS**

**13. DELEGATION**

There being no further business the meeting closed at 12.21pm.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 12 September 2023.**

**MAYOR**

## 4.2. MINUTES AND BUSINESS ARISING

### Burdekin Shire Road Safety Advisory Meeting Minutes - 16 August 2023

**File Reference:** 691

**Report Author:** Ginett Biffanti, Administration Officer

**Authoriser:** Kevin Byers, Manager Technical Services

**Meeting Date:** 12 September 2023

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#### **Purpose**

This report provides the Minutes of the Burdekin Shire Road Safety Advisory Meeting held on 16 August 2023.

#### **Summary of recommendations and actions for consideration and adoption:**

##### Item 6.1.1 Safety Concerns - T-Intersection at the Bruce Highway and Pioneer Mill Road

Council to liaise with Department of Transport and Main Roads to find ways to reduce the potential risk at the T-Intersection of the Bruce Highway and Pioneer Mill Road.

##### Item 6.2.1 Speed Review Along Maidavale Road, Airville

Council to investigate the requirement to conduct a speed review along Maidavale Road, Airville from Klondyke Road to the Maidavale School.

##### Item 6.2.2 Incorrect Turning Arrows

Council to investigate the turning arrows at the intersection of Beach Road and Trent Road, Ayr.

##### Item 6.3.1 Safety Issues - T-Intersection of Sexton Road and Mountain View Road, Airville

Council to review improving the T-Intersection on Sexton Road and Mountainview Road, Airville in the future budget reviews.

##### Item 6.4.2 Indicators on Roundabouts

Council to liaise with all emergency services to create media on how using indicators can save a life.

##### Item 6.6.1 Line Marking – At Overtaking Lane on Bruce Highway south of Giru

TMR to review the Bruce Highway overtaking and merging line marking along the Haughton River Floodplain Upgrade area.

#### **Recommendation**

That:

1. the minutes of the Burdekin Shire Road Safety Advisory Meeting held on 16 August 2023 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Item Numbers 6.1.1 to 6.4.2 above be adopted.

## **Attachments**

1. Burdekin Shire Road Safety Advisory Meeting Minutes - 16 August 2023



# Meeting Minutes

<b>Meeting</b>	Burdekin Shire Road Safety Advisory Committee Meeting		
<b>Date</b>	Wednesday, 16 August 2023	<b>Time</b>	10.30am
<b>Core Attendees</b>	Councillor Max Musumeci – Burdekin Shire Council Mr. Kevin Byers – Burdekin Shire Council Mr. Kevin Riseley – Technical Officer (Road Safety) Northern District – Department of Transport and Main Roads Mr. Victor Hewett – Officer in Charge (Acting), Queensland Ambulance Service, Ayr Mr. Peter Pattinson – Senior Logistics Officer – Pioneer Mill – Wilmar Sugar Australia Limited		
<b>Advisor Attendees</b>	Nil		
<b>Apologies</b>	Mr. Dean Pappalardo – Burdekin Shire Council Mr. Matthew Slatcher – Acting Manager (Road Safety) Northern Region – Department of Transport and Main Roads Senior Constable Brendon Gadd – Road Policing Unit – Queensland Police Service, Ayr Senior Constable Brett Elton – Road Policing Unit – Queensland Police Service, Ayr Senior Sergeant Steve Barton – Officer in Charge – Queensland Police Service Ayr		
<b>Chairperson</b>	Councillor Max Musumeci		
<b>Minutes Clerk</b>	Ms. Ginett Biffanti		
<b>Location</b>	John Hy Peake Heritage Room - 145 Young Street, Ayr		

## 2. Minutes Received

### Minutes of the Burdekin Shire Road Safety Advisory Committee Meeting held on 17 May 2023.

Moved, Victor Hewett seconded Kevin Byers that the flying minutes of the Burdekin Shire Road Safety Advisory Committee Meeting held on Wednesday, 17 May 2023 be accepted.

CARRIED

## 3. Business Arising out of Minutes

Nil

#### 4. Review Action Items List

		Responsible Officer	Status
1.	<b>18 May 2022</b> Item 6.3 - Council to investigate the lack of speed signs on Lena Road, Mount Kelly.	Kevin Byers BSC	The review of the speed limit is on the list and Council is now waiting for the availability of a traffic counter to be positioned to monitor the traffic speeds. It is anticipated a draft speed limit review will be completed early 2024.
2.	<b>17 May 2023</b> Item 6.2.2 Council to liaise with the Media and Communications Officer to post a community announcement via social media to remind residents to clearly advise the "000" operator of their address and the nearby crossroad, allowing emergency services to respond more quickly.	Kevin Byers BSC	Council to follow up with Media and Communication Officer regarding the posting of a community announcement via social media.

#### 5. Correspondence or Information

Nil.

#### 6. General Business

##### 6.1 Mr. Peter Pattinson – Wilmar Sugar Australia

1. Mr. Pattinson brought up a safety concern regarding the T- Intersection at the Bruce Highway and Pioneer Mill Road. Wilmar has identified this as a potential risk due to the heavy vehicles such as bagasse, molasses and mud trucks that are coming in or out at the same time as a car.

It was agreed that in the short term, it may be possible to bring back the give way sign at the T- Intersection to assist in reducing the safety risk. Mr. Riseley stated that even though this has been on TMR's list, funding is not currently available therefore he will take this back to his engineering department to find ways on how to address the problem. Mr. Byers has acknowledged that the section of Pioneer Road beyond the extent of TMR responsibility is narrow. Council will consider programming the upgrade of this section of road to occur when the intersection is upgraded. Widening prior to the intersection upgrade works could create additional safety issues.

Council to liaise with Department of Transport and Main Roads to find ways to reduce the potential risk at the T-Intersection of the Bruce Highway and Pioneer Mill Road.

## **6.2 Senior Constable Brett Elton – Queensland Police Service, Ayr**

1. Councillor Musumeci relayed a request from Senior Constable Elton for a speed review on Maidavale Road, Airville.

Council to investigate the requirement to conduct a speed review along Maidavale Road, Airville from Klondyke Road to the Maidavale School.

2. Councillor Musumeci relayed another request for Senior Constable Elton regarding the turning arrows at the intersection of Beach Road and Trent Road, Ayr are incorrect. Senior Constable Elton has reported that there is a turning arrow on the main stretch of the road which should not be there.

Council to investigate the turning arrows on the intersection of Beach Road and Trent Road, Ayr.

## **6.3 Mr. Peter Pattinson – Wilmar Sugar Australia**

1. Mr. Pattinson relayed information of an incident on a truncated corner at the t-intersection of Sexton Road and Mountain View Road, Airville involving a fuel tanker and cane train. Due to the overgrown mango trees on the corner, the fuel tanker's view of the cane train using the railway track was obstructed. Wilmar has significantly pruned the trees to improve visibility.

Council to review improving the t-intersection on Sexton Road and Mountainview Road, Airville in the future budget reviews.

## **6.4 Mr. Victor Hewett – Queensland Ambulance Service, Ayr**

1. Mr. Hewett requested clarification on the rural address numbering system given to farms. Mr. Byers advised that the rural address numbering is based on 10m intervals. A rural address number multiplied by 10 is the distance from the start of a road to the property. For example 625 Old Clare Road is 6250m or 6.25km from the start of Old Clare Road. More information on rural addressing numbering standard can be provided if required.
2. Mr. Hewett expressed concern about the amount of road users who do not know how to use their indicators when approaching a roundabout, making it a safety issue for emergency services and other road users. Mr. Hewett is concerned that not using the indicators correctly may cause delays or contribute to accidents as emergency vehicles are on route to an emergency.

Following discussion, Council to liaise with all emergency services to create media on how using indicators can save a life.

## **6.5 Mr. Kevin Riseley - Department of Transport and Main Roads**

1. Mr. Riseley provided a brief update on the Fredericksfield Road to Homestead Road Overtaking Lanes Construction Project and the Mount Inkerman Road Intersection Improvement Project both of which are progressing and are still expected to be completed by late 2023 or early 2024 weather permitting.

## **6.6 Councillor Max Musumeci – Burdekin Shire Council**

1. Councillor Musumeci brought to Mr. Riseley's attention the lack of a merging arrows at the overtaking lane on the Bruce Highway south of the Giru turnoff to indicate to drivers which lane is the overtaking lane and where they merge.





Mr. Riseley stated that this should have been part of the Houghton River Floodplain Upgrade and he will request an investigation of the line marking.

There being no further business, the meeting closed at 11.35 am.

**The next meeting will be held on Wednesday, 15 November 2023 at 10.30am.**

Councillor M. Musumeci.

Chairman

### **Actions from This Meeting**

	<b>Action Item</b>	<b>Responsible Officer</b>	<b>Status</b>
1.	<b>Item 6.1.1.</b> Council to liaise with Department of Transport and Main Roads to find ways to reduce the potential risk at the T-Intersection of the Bruce Highway and Pioneer Mill Road.	Kevin Byers BSC	Pending
2.	<b>Item 6.2.1</b> Council to investigate the requirement to conduct a speed review along Maidavale Road, Airville from Klondyke Road to the Maidavale School.	Kevin Byers BSC	Pending
3.	<b>Item 6.2.2</b> Council to investigate the turning arrows at the intersection of Beach Road and Trent Road, Ayr.	Kevin Byers BSC	Pending
4.	<b>Item 6.3.1</b> Council to review improving the T-Intersection on Sexton Road and Mountainview Road, Airville in the future budget reviews.	Kevin Byers BSC	Pending
5.	<b>Item 6.4.2</b> Council to liaise with all emergency services to create media on how using indicators can save a life.	Kevin Byers BSC	Pending
6.	<b>Item 6.6.1</b> TMR to review the Bruce Highway overtaking and merging line marking along the Houghton River Floodplain Upgrade area.	Kevin Riseley TMR	Pending

## 6.4.1. GOVERNANCE

### Local Roads and Community Infrastructure Program - Phase 4 - Project Nominations

**File Reference:** 2175

**Report Author:** Janice Horan, Grants and Property Officer

**Authoriser:** Nick OConnor, Director Corporate and Community Services

**Meeting Date:** 12 September 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

1.5.2 Provide safe, attractive, accessible, and functional community spaces and facilities.

3.1.3 Improve drainage networks and structures through upgrades and renewals.

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#### **Executive Summary**

Advice has been received from the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts of a Phase 4 funding allocation under the Local Roads and Community Infrastructure Program (LRCIP) of \$978,041.00. This allocation is comprised of:

- Part A - \$620,261.00 for approved Local Road and Community Infrastructure Projects; and
- Part B - \$ 357,780.00 for approved road projects.

#### **Recommendation**

That:

Under the Local Roads and Community Infrastructure Program Phase 4 funding allocation:

1. the Clare Pool Rejuvenation Project totalling \$150,000.00 be submitted as a Part A Project, noting that projects from remaining funds of \$470,261.00 from a total allocation of \$620,261.00 need to be submitted by 31 December 2024; and
2. the Thompson Road Floodway Upgrade Project be submitted as a Part B Project totalling \$357,780.00, noting a Council contribution of \$36,695.00 towards the total project cost of \$394,475.00 will be required.

#### **Background**

Council recently received advice from the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts of a funding allocation of \$978,041.00 through Phase 4 of the Local Roads and Community Infrastructure Program. A decision on projects to be funded under this funding allocation is required.

The allocation comprises two (2) parts - Part A of \$620,261.00 for Local Road and Community Infrastructure Projects, and Part B of \$357,780.00 for road projects.

It is recommended that a portion of Part A funding be allocated towards the Clare Pool Rejuvenation Project totalling \$150,000.00 consisting of the following components:

- Repaint pool tiles/replace expansion joints - \$75,000.00

- Replace sand filter - \$42,000.00

- Replace pump - \$7,000.00

Contingencies - \$26,000.00

Total - \$150,000.00

This project will only expend a portion of the Part A funding with \$470,261.00 remaining. Advice on project/s to be undertaken from this remaining funding will need to be submitted to the Department by 31 December 2024.

A recent review of the state of the Clare Pool highlighted a number of capital and operational items recommended to be undertaken to re-open the Clare Swimming Pool under Lifeguard supervision. Some of the items were identified as part of the Burdekin Aquatics Facilities Strategy adopted in February 2023. The strategy recommended that the operation of the Clare Pool change to comply with Royal Life Saving Australia's *Guidelines for Safe Pool Operations*. The review of the Clare Pool by a pool engineer identified the denaturing of the tiles, the expansion joints required replacing, the filter was at the end of its life and should be replaced. Additionally the pool pump has recently started to fail.

It is recommended that Part B funding of \$357,780.00 be allocated to the Thompson Road Floodway Upgrade Project, noting that a Council contribution of \$36,695.00 will be required towards the total cost of the project of \$394,475.00.

Works consist of the construction of a 25 metre long x 6.6 metre wide concrete floodway over new 1200 x 750 reinforced box culverts with 100 metre long bitumen sealed approaches on both sides.

With each flooding event, an unsealed section of Thompson Road suffers loss of materials and scouring which necessitates closure of the road as it becomes unsafe for travel. Thompson Road is the secondary route to the township of Alva, with the main route (Beach Road) often being closed due to water over the road in a number of places.

Under the Local Resilience Action Plan, key hotspots identified after each event are highlighted for works. Thompson Road has been identified and included in the Plan. By constructing a concrete floodway over culverts, as well as bitumen approaches, the risk of the road being affected by flooding will be reduced. This in turn would ensure a secondary route to the township of Alva for the residents, services and emergency response teams.

### **Consultation**

Report on Clare Pool upgrade was considered at Council meeting held on 8 August 2023. At that meeting an additional budget allocation of Capital - \$134,000.00 and Operational \$21,000.00 was approved.

The Thompson Road Floodway Upgrade project had previously been considered in 2023/24 budget deliberations.

### **Budget & Resource Implications**

LRCIP projects are funded 100% of project costs to the full extent of funds provided. A Council contribution of \$36,695.00 towards the Part B Project (Thompson Road Floodway Upgrade) will be required. Part B funds total \$357,780.00, and the total project cost is estimated at \$394,475.00.

### **Legal Authority & Implications**

A Grant Agreement for Phase 4 of the Local Roads and Community Infrastructure Program between the Department of Infrastructure, Transport, Regional Development, Communications and the Arts and Burdekin Shire Council for funds of \$978,041.00 has been signed.

### **Policy Implications**

Not Applicable.

**Risk Implications (Strategic, Operational, Project Risks)**

The change in operation of the Clare Swimming Pool to lifeguard supervision is best practice for swimming pools and complies with the Guidelines for Safe Pool Operations issued by Royal Life Saving Australia.

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

The Thompson Road project has been carefully costed. Therefore cost overruns are not anticipated, however cost overruns can be caused by weather and latent conditions.

**Attachments**

None

## 6.4.2. GOVERNANCE

### Proposed Amendment to Subordinate Local Law 1.4 (Installation of Advertising Devices) 2012

**File Reference:** 414

**Report Author:** Rebecca Stockdale, Senior Governance Officer

**Authoriser:** Nick OConnor, Director Corporate and Community Services

**Meeting Date:** 12 September 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

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

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

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#### **Executive Summary**

To propose amendments to *Subordinate Local Law 1.4 (Installation of Advertising Devices) 2012* and to delegate to the Chief Executive Officer the power to undertake the public interest testing in relation to anti-competitive provisions.

Amendments to the Subordinate Local Law would include provisions for A-frame signs, sandwich boards, outdoor dining signs that are not fixed and advertising banners, flags, teardrop signs, balloons and other devices that may or may not have a supporting framework. The amendments to the Subordinate Local Law will also make provisions to ensure adequate pedestrian corridors are maintained where advertising devices are placed on Council controlled land (for example, public footpaths) to reduce the risk of injury or harm to pedestrians.

#### **Recommendation**

That:

1. Council resolves to propose to make Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2023 which amends *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2012*; and
2. Council resolves, pursuant to section 257 of the *Local Government Act 2009* ("the Act"), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide:
  - a. how the public interest test of the subordinate local law particularised in the schedule is to be conducted; and
  - b. the matters with which the public interest test report in relation to the subordinate local law particularised in the schedule must deal; and
  - c. the consultation process for the public interest test and how the process is to be used in the public interest test.

## Background

Motivation for the proposed amendments came out of the perceived inequality of businesses or shops only being able to display one mobile sign regardless of the length of shop frontage. In addition, the treatment of other sign types such as flags, tear drops, balloons and outdoor dining signs was not defined adequately.

The main purpose of the proposed amendment is to allow the display of mobile signs so that they must not exceed one (1) advertising device for each 2.5 metres of shop or business frontage.

Other minor amendments include the following:

- expanding the definition of activities that do not require an approval under the local law such as variable message boards erected by Council and a fixed outdoor dining sign.
- Adding a new definition of a temporary advertising device such as for garage sale signs.
- Adding new definitions for a fixed outdoor dining sign and an outdoor dining sign.
- Expanding the definition of a mobile sign to include a non-fixed outdoor dining sign and other types of signs such as flags, teardrop signs and balloons.
- Including that the advertising devices must provide for a clear pedestrian corridor of at least 2 metres; and must be removed daily.

Council has considered the matter and instructed Officers to obtain legal advice from King & Company Solicitors. Subsequently, King & Company Solicitors have prepared and amending Installation of Advertising Devices (Amendment) Subordinate Local Law (No.1) 2023 ("the amending Subordinate Local Law") for Council's consideration (attached). In accordance with section 29(5) of the *Local Government Act 2009*, King & Company Solicitors have drafted the proposed amending Subordinate Local Law in compliance with the guidelines issued by the Parliamentary Council under Section 9 of the *Legislative Standards Act 1992*. *Local Law No. 1 (Administration) 2012* authorises the making or the amending Subordinate Local Law.

The adoption of this resolution is the first step in making the amending Subordinate Local Law. Following are the remaining steps:

1. Consult with the public for at least 21 days ("Consultation Period") with Draft Public Notice (attached);
2. Accept and consider all properly made submissions to Council by close of the Consultation Period;
3. By resolution, decide whether to:
  - a. proceed with the making of the Subordinate Local Law, with or without amendments; or
  - b. not proceed with making of the amending Subordinate Local Law.

## Possible Anti-Competitive Provisions

The possible anti-competitive provisions are attached to this report.

The resolutions contained in this Report must be made by Council before Council commences public consultation, including public consultation about the likely anti-competitive provisions included in the proposed subordinate local law, Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2023, and the implementation of the public interest test plan process.

## Consultation

Council discussed the issue of advertising signage and the changes to the Subordinate Local Law at a Council workshop on 20 September 2022 and 6 June 2023.

Legal advice obtained from King & Company Solicitors. A period of public consultation will be undertaken in accordance with this resolution.

### **Budget & Resource Implications**

Not Applicable.

### **Legal Authority & Implications**

Compliance with *Local Government Act 2009* and *Local Government Regulation 2012*.

### **Policy Implications**

Not Applicable.

### **Risk Implications (Strategic, Operational, Project Risks)**

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

The adoption of an amended local law by Council can potentially introduce both risks and opportunities to the local community. Some of the potential risks that have been considered include an existing lack of clarity in the sign types that can be used that would be subject to licensing fees this risk will be mitigated by the amendment to the local law. Clutter and over-saturation of the streetscape caused by excessive signage is another potential risk addressed by the proposed amendment. Other risks include enforcement challenges and potential unintended consequences for small businesses. These risks are likely to be addressed through the public interest testing of likely anti-competitive provisions. The amendments proposed clarify and legitimise existing situations with some types of signage and offer the licence holder more discretion in the display of mobile signs which add to the vibe and attraction of the Central Business District (CBD) area.

### **Attachments**

1. Anti-Comp Provisions- SLL1.4 Installation of Advertising Devices(2068572.1)
2. Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1)  
202313.06.2023(2067477.1)

# INSTALLATION OF ADVERTISING DEVICES (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2023

## LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

**Subordinate Local Law:** Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2023.

- Purpose:**
- (1) The purpose of the subordinate local law is to supplement *Local Law No. 1 (Administration) 2012* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws and for miscellaneous administrative matters.
  - (2) The purpose is achieved by providing for—
    - (a) various matters regarding the granting of approvals for the prescribed activity of the installation of advertising devices; and
    - (b) further specification of the definitions relevant to the prescribed activity of the installation of advertising devices.
  - (3) The purpose of the amending subordinate local law is—
    - (a) to regulate the installation, erection and display of a temporary advertising device as a permitted advertisement;
    - (b) to prescribe as a permitted advertisement an advertising device visible from a road or other public place that is erected or displayed by, or on behalf of, Council; and
    - (c) to extend the type of advertising devices that are included within a mobile sign, and to amend or prescribe additional criteria for a mobile sign;

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
<b>Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2023</b>		
Subordinate Local Law, section 3(2) and section 4(4) [Amending section 2(2) of schedule 1, and schedule 3, of <i>Subordinate Local Law No. 1.4 (Installation of Advertising</i>	5 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities.  An approval from the local government will not be required for a temporary advertising device if its installation, erection and display comply with the



**LOCAL LAW NO. 1 (ADMINISTRATION) 2011  
AND VARIOUS SUBORDINATE LOCAL LAWS  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
<i>Devices) 2012]</i>		prescribed criteria for the temporary advertising device. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.
Subordinate Local Law, section 3(3) [Amending section 2(2) of schedule 1 of <i>Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2012]</i>	10 – prescribed standard	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. An approval from the local government will not be required for an advertising device visible from a road or other public place that is installed, erected, maintained and displayed by, or on behalf of, the local government.
Subordinate Local Law, section 4(1), (2) and (3) [Amending schedule 3 of <i>Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2012]</i>	10 – prescribed standard 7 – business restriction	The local government may declare that the authorising local law does not apply to particular activities and impose requirements or conditions which must be complied with if the authorising local law does not apply to the particular activities. The requirements and conditions may have an impact on the conduct of a business activity, and in particular, a prescribed activity identified in the subordinate local law.

2068572v1

# Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2023

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2023*.

### 2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2012*.

## Part 2 Amendments to subordinate local law

### 3 Amendment of sch1 (Installation of advertising devices)

- (1) Schedule 1, section 2(2)(a)(ii), ‘and’—

*omit, insert—*

‘or’.

- (2) Schedule 1, after section 2(2)(a)(ii)—

*insert—*

‘(iii) a temporary advertising device; and’.

- (3) Schedule 1, after section 2(2)—

*insert—*

‘(3) Also, a permitted advertisement includes an advertising device that is—

- (a) visible from a road or other public place; and
- (b) installed, erected, maintained and displayed by, or on behalf of, the local government.

- (4) Also, and for the avoidance of doubt, an approval is not required under the authorising local law for the prescribed activity if—

- (a) the activity is the installation, erection or display of a fixed outdoor dining sign; and
- (b) the undertaking of the activity is authorised under the authorising local law for the prescribed activity of an alteration or improvement to local government controlled areas and roads, in accordance with *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2012*.

### 4 Amendment of sch3 (Definitions and prescribed criteria for installation, erection and display of advertising devices)

- (1) Schedule 3, section 1(1)(b)—

*omit, insert—*

‘(b) includes each of the following—

- (i) an A-frame sign;
  - (ii) a sandwich board;
  - (iii) an outdoor dining sign, other than a fixed outdoor signing sign;
  - (iv) a banner advertisement, flag, teardrop sign, balloon and another device that may, or may not, have a supporting framework, but does not form part of a building or other structure; but’.
- (2) Schedule 3, section 1(2)(b)—  
*omit, insert—*
- ‘(b) the display of mobile signs at premises comprising a shop or business must not exceed 1 advertising device for each 2.5m of the street front boundary of the premises; and’.
- (3) Schedule 3, after section 1(2)(d)(iii)—  
*insert—*
- ‘(iv) the placing of the advertising device on the local government controlled area or road must not result in a clear pedestrian corridor, adjacent to the advertising device, of less than 2m; and
  - (v) each advertising device which advertises a particular shop or business must be removed from the local government controlled area or road on which the advertising device is placed, daily, and in any event, not later than whichever is the earlier of—
    - (A) the time when the shop or business is closed to the public; and
    - (B) the end of the days trade for the shop or business; and’.
- (4) Schedule 3, after section 6—  
*insert—*

## ‘7 Temporary advertising device

- (1) A **temporary advertising device** is an advertising device the primary purpose of which is to announce an event of a temporary nature, for example, a community event or a garage sale.
- (2) The criteria prescribed for a temporary advertising device are—
- (a) the advertising device must—
    - (i) only be displayed for a maximum of 14 consecutive days within any 90 day period prior to the event advertised on the advertising device; and
    - (ii) be removed within 7 days after the end of the event advertised on the advertising device; and
    - (iii) not be illuminated, flashing or revolving; and
    - (iv) not have a face area greater than 1m<sup>2</sup>; and
  - (b) the number of temporary advertising devices displayed in relation to an event must not exceed 8 and each temporary advertising device must be displayed within a 2 kilometre radius of the site of the event.’.

## 5 Amendment of sch6 (Dictionary)

(1) Schedule 6—

*insert—*

***‘fixed outdoor dining sign*** means an outdoor dining sign which is fixed to, or projecting from, the ground and designed for permanent, or semi-permanent, attachment to land.

***outdoor dining sign*** means a sign which is designed to complement outdoor dining facilities, and is normally associated with an outdoor café, and seating at an outdoor café, where the sign component is usually some type of barrier, for example, a windbreak which defines the external boundaries of an outdoor dining area.



***temporary advertising device*** see schedule 3, section 7.’.

(2) Schedule 6, definition ***free-standing sign***, paragraph (b)—

*omit, insert—*

‘(b) includes—

- (i) a billboard/hoarding sign; and
- (ii) a real estate sign; and
- (iii) a fixed outdoor dining sign.’.

This and the preceding 3 pages bearing my initials is a certified copy of *Installation of Advertising Devices (Amendment) Subordinate Local Law (No. 1) 2023* made in accordance with the provisions of the *Local Government Act 2009* by Burdekin Shire Council by resolution dated the        day of        2023.

.....  
Chief Executive Officer

2067477v1

### 6.4.3. GOVERNANCE

#### Declaration of Gifts, Benefits, and Prizes Policy

**File Reference:** 1656

**Report Author:** Rebecca Stockdale, Senior Governance Officer

**Authoriser:** Nick O'Connor

**Meeting Date:** 12 September 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

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

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2023-2024

CG5 Manage Council's Corporate Policy Program

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#### **Executive Summary**

From time-to-time Councillors and Council Employees will be presented with gifts, benefits or prizes in the course of fulfilling their official duties. Council's Declaration of Gifts, Benefits and Prizes Policy establishes the disclosure requirements for all Councillors and Employees of Burdekin Shire Council when responding to offers of gifts, benefits and prizes- including tangible and intangible items. The policy helps to improve accountability and transparency by ensuring all gifts, benefits or prizes offered to or received by Councillors or Council employees, in the course of their official duties, are duly declared and appropriately treated. The policy covers three (3) categories of gifts, benefits and prizes - Category 1- value less than \$25.00, Category 2- value greater than \$25.00 and less than \$100.00, Category 3- value greater than \$100.00, and provides the relevant conditions associated with being offered, or accepting gifts, benefits or prizes within each category. The policy aims to ensure that real or potential conflicts of interest are considered when making a decision about the acceptance of a gift, benefit or prize.

The Policy was last reviewed and adopted by Council in September 2020, with a 36-month review period. The policy has been reviewed and is now presented to Council for readoption.

#### **Recommendation**

That Council adopts the Declaration of Gifts, Benefits and Prizes Policy as attached to this report.

#### **Background**

Council first adopted a policy dealing with the receipt of gifts, benefits and prizes in 2017. The policy is intended to support Councillors and Council employees to maintain high levels of integrity and public trust. Council recognizes that many businesses provide gifts in the form of promotional material such as pens, caps, notepads, keychains and tote bags. These types of gifts are of a nominal value and generally, the acceptance of these would not cause rise to a conflict of interest. In other instances, businesses or individuals may offer gifts, benefits or prizes of a higher value. It is important to ensure a framework is implemented to help Councillors and Employees to make appropriate decisions and disclosures to ensure that accepting them does not create a real or potential conflict of interest, or create an expectation of reciprocity.

**Consultation**

All Senior Leadership Group members were provided with an opportunity to provide feedback on the policy during this review. Councillors discussed this policy at a Council Workshop on 5 September 2023.

**Budget & Resource Implications**

Not Applicable.

**Legal Authority & Implications**

*Local Government Act 2009*

*Local Government Regulation 2012*

**Policy Implications**

This policy will be updated on Council's website and policy register, reflecting the new adoption date and review period.

**Risk Implications (Strategic, Operational, Project Risks)**

This policy helps Council to mitigate the risks of lack of accountability and transparency, and the risk of corruption. Accepting expensive gifts or sponsored benefits may give rise to a conflict of interest. A person may no longer be able to make an unbiased decision if they have received a gift, benefit or prize. It is important that there are transparent processes in place to ensure that any gifts, benefits or prizes are appropriately declared and managed.

**Attachments**

1. Declaration of Gifts, Benefits and Prizes Policy

Policy Type	Corporate
Function	Governance
Policy Owner	Chief Executive Officer
Policy Contact	Senior Governance Officer
Effective Date	8 September 2020

## Purpose

This Policy outlines the disclosure requirements for all Burdekin Shire Council Councillors and Employees when responding to offers of benefits, gifts and prizes, including tangible (of lasting value) and intangible (of no lasting value), items in accordance with legislative requirements.

## Scope

This policy applies to benefits, gifts and prizes offered to, or received by Councillors and Council employees of Burdekin Shire Council in the course of their duties. This policy does not apply to gifts, benefits or prizes received by a Councillor or an employee in their private capacity as a private citizen.

## Objectives

The objectives of this policy are to ensure:

- all Councillors and Council employees carry out their official duties to the highest ethical standard in the public interest;
- appropriate records of all gifts and benefits and the disposal of same are maintained;
- the risk of Councillors and/or Council employees being exposed to an actual or perceived, prescribed or declarable conflict of interest are minimised;
- a framework to assist in transparent decision-making where gifts and/or benefits are involved is provided.

## Principles

Disclosure of offers or receipt of gifts and benefits are guided by the following principles:

- No gift or benefit should be accepted that could reasonably be foreseen to influence, or be perceived to influence, a Councillor or Council employee in the performance of their public and professional duties - now or in the future.
- Transparency, good decision-making and public trust are fundamental to good governance.
- Gifts and personal benefits are not an entitlement or a right and are, in general, not to be accepted.
- All offers of gifts and benefits and the related decisions are to be documented appropriately to ensure transparency.

## Policy Statement

### Offers of Gifts, Benefits or Prizes

Council employees and Councillors must not encourage or solicit gifts or benefits or use their position of authority in any way so as to generate or solicit an offer of a gift or benefit. A Councillor or employee must not accept any gift or benefit, personal or otherwise, where there may be a real or potential conflict of interest or risk of compromise which may bring the Council's reputation, integrity or impartiality into question.



Officers and Councillors may enter competitions that offer prizes awarded on merit or by chance, where there is no cost to Council for entering the competition or prize draw. (e.g. lucky door prize). At no time are Council employees permitted to utilise Council funds to purchase tickets in raffles or other kinds of random prize draws.

## Declaring and reporting of Benefits, Gifts and Prizes

Where a benefit, gift or prize has been given to a Councillor or a Council employee, it must firstly be declared, using the appropriate form, so that an appropriate assessment can be made by the Mayor, CEO or the appropriate Director or Manager. Councillors and Council employees are to complete a Declaration of Gifts, Benefits and Prizes Form and submit it to the appropriate supervisor or more senior officer.

The form is to detail the nature of the gift, benefit or prize, whether the gift, benefit or prize has been accepted or declined and the reasons it has been accepted or declined.

Council's Gifts, Benefits and Prizes Register and the Councillor Registers of Interest are centrally maintained by Council's Governance Unit. The completed form is to be provided to the Senior Governance Officer so that details can be added to the central register.

Councillors and employees should consider both the value, frequency and the purpose of the gift and/or benefit which is being offered and must also consider the range of perceptions that might apply to a situation regarding acceptance of the gift or benefit.

## Nominal Benefits, Gifts and Prizes - retail value less than \$25

From time to time, Councillors and employees may in the course of their duties be presented with or exchange gifts of a nominal value. Declining such token gifts would be inappropriate and therefore Councillors and Council employees are permitted to accept nominal gifts under the value of \$25 without seeking prior approval from the Mayor, CEO, Director or Manager (as appropriate) where no conflict of interest exists. For these nominal gifts, benefits, or prizes, where the value is likely to be less than \$25, a declaration form is not required to be completed.

Nominal gifts include items such as caps, keychains, card holders, mousepads, USB sticks, calendars, lanyards, desk clocks, stress balls and snow domes.

### *Examples:*

#### *Example 1*

*A Council officer receives a promotional keychain from a supplier when attending a work conference. This item is of nominal value and the officer does not need to seek permission before accepting the gift. A declaration form does not have to be completed for this kind of gift.*

#### *Example 2*

*A delegate from a large company delivers a presentation to Council at a Council Workshop. Following the presentation, the delegate gifts each of the attending Councillors with a computer mousepad with the company logo. This is a nominal gift, creates no conflict of interest and is customary as a means of promotion. This item can be accepted, and the Councillors are not required to complete a declaration form.*

#### *Example 3*

*The Mayor is invited to present badges to students at a school's induction ceremony and is gifted a bunch of flowers for her time. This is a nominal gift, creates no conflict of interest and is customary for these occasions therefore this item can be accepted, and the Mayor is not required to complete a declaration form.*

## Benefits, Gifts and Prizes - retail value greater than \$25 but less than \$100

Where no conflict of interest arises through the acceptance of a gift, benefit or prize with a retail value between \$25 and \$100, acceptance by Councillors and Council employees is permitted without seeking prior approval from the Mayor, CEO, Director or Manager (as appropriate). A declaration form must be completed by the person in receipt of the gift, benefit or prize. Where the acceptance of a gift, benefit or prize with a retail value between \$25 and \$100 would cause a conflict of interest, the gift, benefit or prize must be respectfully declined by the Councillor or Council employee. For complete transparency, if a gift, benefit or prize is declined because of a real or potential conflict of interest a declaration form must be completed, detailing that the gift, benefit or prize was offered and declined.

### *Examples:*

#### *Example 1*

*A Councillor attends a function as a representative of Council and wins the lucky door prize - a \$50 meat tray. As the prize is less than \$100 but more than \$25 the Councillor can accept the gift, without seeking approval from the Mayor or CEO, however, they must complete a declaration form.*

#### *Example 2*

*An employee assists a member of the public who has tripped on the sidewalk. A few days later, a box of chocolates, a bottle of wine and a thank-you card are delivered to the Council chambers attention to the employee. As the gift is below \$100 in value and does not create a conflict of interest, the employee can accept the gift, without seeking approval from their Manager, however, they must complete a declaration form.*

#### *Example 3*

*An officer is the decision-maker for accommodation licenses. A local accommodation provider sends the officer a "thank-you" card with a voucher for \$50 to spend at the hotel. The officer cannot accept this gift. Accepting the gift creates a conflict of interest. The gift should be declared and returned to the provider, and it should be explained why gifts of this kind cannot be accepted by council officers.*

## Benefits, Gifts and Prizes - retail value greater than \$100

The CEO, Director, Manager, or the Mayor (as appropriate) may approve for the Councillor or Employee to retain a gift, benefit, or prize over \$100 retail value with due consideration of the following:

### Accepting the gift, benefit, or prize:

- does not influence, or have the potential to influence, the recipient in such a way as to compromise or appear to compromise the recipient's integrity and impartiality or to create a conflict of interest or perception of conflict of interest;
- is not a bribe and/or cannot be perceived to be a bribe;
- is not related to advice or decisions about (but not limited to) granting licences, inspecting and regulating businesses or giving approvals for such things as tenders and contracts;
- presents no obligation or implied obligation to reciprocate in any way;
- would provide a benefit to the community or it is normal in the gift giver's culture and not accepting a gift or benefit could cause offence.

The CEO, Director, Manager or the Mayor (as appropriate) must not approve the gift, benefit or prize if acceptance would cause a conflict of interest or is outside of the criteria listed above.

**Examples:****Example 1**

*The North Queensland Cowboys offer to host the Mayor and a partner at a Townsville football game in a corporate box. Council do not do business directly with the North Queensland Cowboys and are not in a decision-making role that involve the football club. As the benefit does not create a conflict of interest, the Mayor could accept this gift, with permission from the CEO and would complete a declaration form. As the gift is greater than \$100 the permission of the CEO should be sought before formally accepting the benefit.*

**Example 2**

*An employee attends a conference for work purposes and wins an iPad because they threw their work business card into the prize barrel. As the prize does not create a conflict of interest, is over \$100 in value and was won while the officer was performing official duties, the employee must declare the prize and surrender it to Council as Council property. The CEO has discretion as to how this prize is utilized by Council.*

**Example 3**

*An employee responsible for overseeing a large contract is offered an all-expenses paid trip to a concert in Brisbane, paid for by one of the companies who is tendering for the contract. The officer must refuse this offer as it could be seen as an attempt at bribery. The officer must also inform their Supervisor and/or Manager along with the relevant Director of this offer and the decision to refuse. A declaration form need not be completed, however, for transparency and accountability the matter should be documented by the officer.*

**Example 4**

*An Employee is offered free subscription to an industry forum conducted by a large law firm that supplies services to local government. The forum is dedicated to topics of interest for the employee. This benefit should first be discussed with the employee's direct Supervisor, Manager and/or Director. Where attendance at the forum would be beneficial to the organisation and would assist the employee to develop further in their role the attendance may be approved. If it could be perceived that the subscription has been offered in an attempt to influence the employee, the offer should be declined, and the subscription fee can be paid by Council.*

**Example 5**

*A Councillor is travelling on Council business and upon checking in at the airport is offered a free upgrade to business class. The upgrade is worth around \$250 and has been offered as the economy seats have been oversubscribed but there are still seats available in business class. The Councillor did not request the upgrade and the upgrade does not cause any conflict of interest. The Councillor may accept the upgrade and immediately upon return should complete a declaration form. In this scenario, seeking prior permission to accept the upgrade is not an option.*

**Official Gifts - value unknown**

Official gifts are sometimes presented at business, cultural or community events or functions to Councillors or Council Employees. Gifts that would generally be considered official might include dedicated plaques, vases, trophies, clocks, flags, banners or books. Official gifts can be accepted where no conflict of interest is present. A declaration form should be completed for each official gift including an estimate of what the gift may be worth. Official gifts are the property of Council and may be displayed appropriately in the Council administration building, the Mayor's Office, the Chief Executive Officer's office, or any of Council's cultural venues.

## Surrender, Disposal and Utilization of gifts and prizes

Disposal of all gifts and prizes must be in the public interest and pay due respect to the wishes and expectations of the donor (if known). Gifts or prizes over the value of \$100 that have been accepted by an Officer or Councillor are considered to be the property of Council and as such should be surrendered by the receiving Officer or Councillor. The CEO will have the discretion as to how gifts and prizes are disposed of or utilised. The following options may be considered:

- donate to a local charity, hospital, school, community or non-profit organisation;
- donate to social club to be raffled to all staff or given away through random name draw to any Council employee;
- approval granted for gift to be retained by relevant officer where it would represent a benefit to the organisation and not the individual;
- disposal of gifts to individuals is not preferred unless there is a demonstrable overall benefit to the organisation;
- gift or prize redistributed to an appropriate area of Council (e.g., prize is a computer monitor- distribute the prize to ICT to be used where needed).

The disposal or utilisation of a gift, benefit or prize must be documented on the approved declaration form.

## Gifts or benefits should not involve time away from official duties

Offers of tickets or corporate hospitality at sporting events, the theatre or other major recreation attractions are to be treated in the same manner as all other gifts or benefits. Any Council employee attending such events must ensure that this occurs outside of the employee's normal working hours or on approved leave (include TOIL taken).

## Exceptions

As outlined above, there are limited circumstances where a gift or benefit may be accepted without prior approval. Councillors and employees should consider the principles of transparency and good decision-making prior to deciding to accept a gift without prior approval.

## Risk Management

This policy has been developed to mitigate some of the risks of corrupt conduct by Councillors and/or employees in relation to accepting gifts or benefits in return for favourable decision-making. The policy aims to improve Council's processes around transparency in relation to the declaration of all gifts, benefits and prizes offered or obtained within the course of fulfilling official duties. Through effective implementation of this policy, Council reduces its risk exposure in relation to reputation damage, corrupt conduct and poor decision-making.

## Legislation

*Crime and Corruption Act 2001*

*Local Government Act 2009*

*Local Government Regulation 2012*

## Definitions and Abbreviations

<b>Gift</b>	A gift is something given voluntarily without payment in return. For the purpose of this policy, gifts also include those required under the <i>Local Government Regulation 2012</i> to be disclosed in a register of interest. Gifts also include bonus items (such as promotional items) or cash-back received during the procurement process.
<b>Benefit</b>	Benefits include, but are not limited to, hospitality and other advantages such as ticket upgrades, premium or priority seating and complimentary subscriptions. Benefits might also include complimentary drinks packages, meals, flights and accommodation provided at no cost. Benefits also covers free use of facilities or equipment such as gyms, holiday homes and vehicles.
<b>Prize</b>	Prizes include items won in random draws and prizes awarded based on merit. Prizes include lucky door prizes.

## Related Documents

	Document Title
ECM 1068863	Code of Conduct for Workers
ECM 1631521	Code of Conduct for Councillors in Queensland
GOV-POL-0009	Fraud and Corruption Control Policy
GOV-FMI-0001	Declaration of Gifts, Benefits and Prizes Form

## Document History and Version Control

Title of Document	Declaration of Gifts, Benefits and Prizes Policy
Document Reference Number	GOV-POL-0019 Rev 2
Review Schedule	36 months
Council Meeting Date	8 September 2020
Council Resolution Number	<a href="#">Click or tap here to enter text.</a>

#### **6.4.4. GOVERNANCE**

### **TBSC/23/013 - Tender for Supply and Operation of an Aviation Fuel Facility at the Ayr Aerodrome**

**File Reference:** 984

**Report Author:** Craig Batchelor, Governance and Property Officer

**Authoriser:** Nick OConnor, Director Corporate and Community Services

**Meeting Date:** 12 September 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

Burdekin Shire Council Operational Plan 2022-2023.

CG3 Manage Council's property portfolio (including the Ayr Aerodrome) in accordance with legislation with the timely reporting of matters to Council for approval.

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#### **Executive Summary**

Approval is sought for Tender for the Supply and Operation of an Aviation Fuel Facility at Ayr Aerodrome under Contract Number TBSC/23/013. The abovementioned Tender was advertised on 14 July 2023. At close of Tender on 4 August 2023, one (1) formal submission was received and one (1) informal submission received after the closure date.

#### **Recommendation**

That in respect of TBSC/23/013 – Tender for Supply and Operation of an Aviation Fuel Facility at the Ayr Aerodrome:

1. Council accepts the Tender submitted by Woodham Petroleum Services Pty Ltd with negotiated variations as detailed in this report; and
2. Council enter into a formal lease arrangement with Woodham Petroleum Services Pty Ltd for the fuel facility at Ayr Aerodrome.

#### **Background**

In April 2023 Council was contacted by IOR Aviation Pty Ltd (IOR), the owner/operator of the current aviation fuel facility at Ayr Aerodrome, advising of their intention to remove their facility in June 2023 due to it not achieving the economic return they had originally envisaged. Consultation between Council and IOR ultimately led to them delaying their removal of the facility until 1 October 2023. Council also undertook a process of engagement with aerodrome lessees and users to keep them informed of the situation involving the removal of the fuel facility and to seek their input towards achieving a solution.

In July 2023 Council called for tenders for the supply and operation of a fuel facility. It was decided that the specifications of any new fuel facility would be similar to that of the existing facility with 24 hours/7 days' access and credit/debit card payment available. The exception was the overall capacity of the facility was reduced from 13,000 litres (current IOR facility) to a minimum of 5,000 litres, in the hope that a smaller facility might prove to be more economically viable for any potential new operator.

At the close of the Tender only one (1) formal submission was received. A further submission was received after the close of the Tender but was considered to be 'informal' as it lacked significant detail and did not adequately address the required criteria. Assessment of the formal Tender was undertaken and details are as follows:

<b>Details of Tender TBSC/23/013</b> <b>Supply and operation of an above-ground, stationary, aviation fuel facility</b>		
Minimum Specifications stated in Tender		Specifications tendered by Woodham
Fuel tank capacity for storage and dispensing Avgas constructed to relevant Australian Standards.	5,000 litres safe fill capacity.	10,000 litres safe fill capacity. Self-bunded, double well design.
Provision of Avgas through the facility at a competitive price.	-	Has a major depot located in Townsville and will supply Avgas at a competitive price.
Provision of 24/7 access to fuel via credit/debit card operation.	-	Facility has 24/7 access and debit/credit card payment options available as well as account and tag options.
Provision of relevant fuel testing regime and service inspections. <sup>1</sup>	-	Woodham will utilise services of Council's Aerodrome Caretaker to undertake necessary fuel testing.
Pay all costs associated with connection to services provided at the site.	-	Woodham will pay all costs associated with the connection of their facility to services at the site.
Lead time for supply, installation and operation of fuel facility at Ayr Aerodrome	-	Up to 20 weeks including up to 16 weeks for procurement and 4 weeks for installation, testing and commissioning.
<sup>1</sup> Council will provide the services of its Aerodrome Caretaker to undertake necessary fuel testing as is the case with the current operator, IOR.		

### Comments on Tender as submitted by Woodham

Council's Tender stated a tenure arrangement of an initial lease term of five (5) years plus a further option of five (5) years. This is the maximum term that Council can grant for a lease under the *Planning Act 2016* (Qld) as the facility compound is located within the larger aerodrome land parcel and not on a stand-alone parcel. The lease will be subject to a nominal rent.

Woodham originally included in their Tender an option for payment to Council of a set rate per litre over the first term of the lease on the basis of a minimum fuel quantity being purchased through the facility. That quantity is unlikely to be realised based on previous fuel purchasing details provided by the operator of the current existing facility.

Subsequent discussions with Woodham have now clarified a number of points and should Council decide to accept their Tender the following details will be confirmed:

- Woodham to supply a fuel facility with a smaller capacity tank of approximately 6,000 litres (safe fill capacity) with a reduced lead time of 10-12 weeks supplied, installed and operational.
- Woodham accepts Council's lease terms of five (5) years plus a five (5) year option.

Once operational, Woodham will be responsible for the maintenance, upkeep, monitoring of fuel levels and payment of electricity charges for the facility. Council will provide the services of its Aerodrome Caretaker to undertake the necessary testing regime as part of the overall operation of the facility.

### Consultation

Consultation was held with Director Corporate and Community Services, Manager Operations, Governance

and Property Officer and Works Overseer.

**Budget & Resource Implications**

Procurement and installation of fuel facility is at the expense of the Tenderer.

Council to provide services of Aerodrome Caretaker to undertake testing regime for fuel. This is a continuation of the arrangement with the current operator.

**Legal Authority & Implications**

Compliance with the *Local Government Regulation 2012* - Chapter 6 Contracting. Dealing with tender and quotation requirements.

**Policy Implications**

Council Property and Leasing Policy.

**Risk Implications (Strategic, Operational, Project Risks)**

Not Applicable.

**Attachments**

None



## 6.4.5. GOVERNANCE

### TBSC/22/014 - Tender for Paddock Rental - Land adjoining Ayr Industrial Estate

**File Reference:** 160

**Report Author:** Craig Batchelor, Governance and Property Officer

**Authoriser:** Nick OConnor, Director Corporate and Community Services

**Meeting Date:** 12 September 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

Burdekin Shire Council Operational Plan 2022-2023

CG3 Manage Council's property portfolio (including the Ayr Aerodrome) in accordance with legislation with the timely reporting of matters to Council for approval.

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#### **Executive Summary**

Finalisation of dealings with TBSC/22/014 - Tender for Paddock Rental - Land adjoining Ayr Industrial Estate. Due to anticipated significant capital outlays for fencing and other expenses combined with the likely impact of further land requirements for both the Macro-Algal Bioremediation Facility and Ayr Industrial Estate future development, the viability of entering in a tenure arrangement over the land identified within the Tender is now deemed marginal.

#### **Recommendation**

That in respect of TBSC/22/014 - Tender for Paddock Rental - Land adjoining Ayr Industrial Estate described as the whole of Lot 18 Registered Plan 742492, the whole of Lot 19 Survey Plan 279592 and part of Lot 140 Crown Plan GL1243:

1. Council resolves to not proceed with the paddock rental arrangement over the land due to identified viability issues including expenses for fencing and associated costs and the likely impact of future land requirements for both the Macro-Algal Bioremediation Facility and future expansion of the Ayr Industrial Estate; and
2. Council writes to the preferred tenderer and advises them of Council's decision to not proceed with a paddock rental arrangement over the previously identified land.

#### **Background**

Council undertook a process of calling for Tenders for Paddock Rental over land adjoining the Ayr Industrial Park. Tenders closed on 14 February 2023. Two (2) formal tenders were received with the tender submitted by Richard Colls deemed to be the preferred tender.

Subsequent negotiation with the preferred tenderer included a submission made by him about identified capital outlays that would be required for fencing and associated costs to make their use of the land economically viable. Additionally, it has been determined that future land requirements for the adjoining Macro-Algal Bioremediation Facility and also the Ayr Industrial Estate will further impact the feasibility of offering the land for paddock rental.

*Local Government Regulation 2012* defines a framework for Council to deal with tenders that it receives and there is provision under the Tender Process defined in s228(9) which states: 'A local government may decide not to accept any tenders it receives'.

**Consultation**

Consultation was held with Director Corporate and Community Services, Director Infrastructure Planning and Environmental Services, Governance and Property Officer and Richard and Barbara Colls.

**Budget & Resource Implications**

Council will not receive any rental income from this land.

Council will need to expend funds for its land management responsibilities over the land.

**Legal Authority & Implications**

Not Applicable.

**Policy Implications**

Council Property and Leasing Policy.

**Risk Implications (Strategic, Operational, Project Risks)**

Land management responsibilities for control of vegetation.

**Attachments**

None

## 7.1.1. ENVIRONMENTAL AND HEALTH SERVICES

### Flying Fox Roost Management Plan Grant Application and Council Contribution

**File Reference:** 2648

**Report Author:** Preeti Prayaga, Coordinator Public Health and Environment

**Authoriser:** Paul Day, Manager Environmental Health Services

**Meeting Date:** 12 September 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

4.2.2: Promote and support community education programs that contribute to improved environmental and community outcomes.

4.2.3: Protect and enhance the natural environment, partnering with organisations and the community to safeguard and improve environmentally sensitive areas.

4.2.5: Promote the implementation of environmental best practice by Council, residents, and business.

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#### **Executive Summary**

Funding is available through the Department of State Development, Infrastructure, Local Government and Planning through the Flying Fox Roost Management in Queensland Grant Program: Stream 2 Development of Roost Management Plans. Burdekin Shire Council proposes to apply for funding under this program to engage an experienced and suitably qualified consultant to develop a Flying Fox Roost Management Plan for the entire Local Government Area (LGA). This plan will be a formal document which will include community consultation and endorsement by Council and will provide council with a long-term approach to flying fox management. It will enable council to undertake best practice management decisions and maintain responsiveness to emergent issues on new flying fox sites and permanent roosts as well providing a consistent message to the community ultimately, encouraging the community to co-exist with flying foxes.

#### **Recommendation**

That Council confirms and endorses the Council Officer's submission of a grant application for a total of \$50,000.00, under the Flying Fox Roost Management in Queensland Grant Program for the preparation of the Burdekin Shire Council Long-Term Flying Fox Roost Management Plan, noting Council's required contribution of 30% from the Environmental Levy.

#### **Background**

Even though recent dispersal activities were successful in the Lloyd Mann Gardens and Kidby Gully sites, Burdekin Shire Council does not have a Flying Fox Roost Management Plan. It is apparent that effective long-term management requires specialist technical advice, planning and long-term investment for activities to be effective.

Financial assistance is available through the Flying Fox Roost Management in Queensland Grant Program through Stream 2 to develop roost management plans. Such a plan would provide Council with long-term roost management plans and the guidance to implement actions identified in the plan.

Burdekin Shire Council has never had a Flying Fox Roost Management Plan. The guidelines have been read carefully and it is considered that Burdekin Shire Council is eligible to apply for funding through Stream 2. Provision of a Flying Fox Roost Management Plan will have major benefits and will develop and implement effective long-term flying fox roost management and actions identified within the plan. It will also allow council to maintain responsiveness to emergent roost management issues and potentially seek

further funding to implement strategies from the plan.

### **Consultation**

Council workshop held on 5 September 2023.

### **Budget & Resource Implications**

Total cost for the project is estimated to be \$50,000.00.

70% of the contribution will be grant funded. \$35,000.00.

30% of the contribution will be from the Council Environmental Levy \$15,000.00.

### **Legal Authority & Implications**

Not Applicable.

### **Policy Implications**

Burdekin Shire Council Flying Fox Policy.

### **Risk Implications (Strategic, Operational, Project Risks)**

Council will not have clear direction in Flying Fox Roost Management.

Future funding applications can not be made without an existing Flying Fox Long Term Roost Management Plan.

### **Attachments**

None

## 7.1.2. ENVIRONMENTAL AND HEALTH SERVICES

### Reef Trust Partnership Accelerator Grants - Community Climate Action for the Reef Application

**File Reference:** 343

**Report Author:** Preeti Prayaga, Coordinator Public Health and Environment

**Authoriser:** Paul Day, Manager Environmental Health Services

**Meeting Date:** 12 September 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

4.2.3: Protect and enhance the natural environment, partnering with organisations and the community to safeguard and improve environmentally sensitive areas.

4.2.5: Promote the implementation of environmental best practice by Council, residents, and business.

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#### **Executive Summary**

An opportunity has been identified under the Reef Trust Partnership Accelerator Grants - Community Climate Action for the Reef, for Council to obtain a specialised fire fighting vehicle to safely manage the environment into the future via controlled burns.

#### **Recommendation**

That Council approves the submission of the grant application under the Reef Trust Partnership Accelerator Grants - Community Climate Action for the Reef Part 2, for firefighting equipment and associated vehicle to enable Council staff to undertake controlled burns, noting that there is no upfront financial contribution required by Council.

#### **Background**

The majority of ecosystems in the Burdekin compromise Melaleuca, Eucalyptus and Corymbia species of woodlands. The Burdekin also has segments of biodiversity that are endangered. Controlled mosaic burns in cooler conditions often after recent rainfall, create slow-moving, low-severity fires in carefully selected areas are undertaken by trained Council staff. These controlled burns in cool conditions can reduce fuel build-up, the risk of wildfire and help control weeds. Bushfires often start in hot, dry, windy weather and can quickly reach into tree canopies, destroying native vine thickets, nesting hollows and food sources, killing small mammals irreversibly damaging ecosystems. When burning is skillfully carried out it can reinvigorate ageing vegetation communities, encourage flowering and seeding and provide a flush of new green shoots and nutritious small herbs for grazing wildlife.

If successful, Council will be able to establish a burn regime to protect, rehabilitate and strengthen where possible, coastal ecosystems in the reef catchment maintained/managed by Council. Riparian and littoral areas are significant for reef health as vegetation traps nutrients and sediments and minimises erosion - all of which have negative impacts on the reef.

To enable Council staff to undertake these controlled burns safely and in-line with best practice a dedicated vehicle consisting of the following will be fully funded by the grant; vehicle specifications: ISUZU vehicle D-MA 4x4 Single cab Chassis SX 3.0L AT will be fitted with heavy duty aluminium tray, bull bar, upgraded suspension and window tint and floor mats. The fire equipment fitted on the vehicle will be QFES ranger with HALO Deluge System which includes 400L poly tank with internal baffles and Air gap Hydrant Fill, approx. 3500 Gross Vehicle Mass, HALO Deluge system, Honda GX 200 coupled with Bertolini PA 530

high pressure pump, FP 135 Class A foam proportioner, electric retracted hose reel with 50m Pirtek R1AT-08 high pressure hose and Siren speaker including Wail and Welp.

**Consultation**

Council Workshop - 5 September 2023

**Budget & Resource Implications**

100% grant funded with no upfront costs to Council. There will be minimum ongoing maintenance costs for the truck, and annual firefighting equipment testing checks.

**Legal Authority & Implications**

Not Applicable.

**Policy Implications**

Not Applicable.

**Risk Implications (Strategic, Operational, Project Risks)**

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

**Attachments**

None

## 7.4.1. TECHNICAL SERVICES

### TBSC/23/019 - Tenders for the Supply and Delivery of One Fuel and Maintenance Truck

**File Reference:** 2067

**Report Author:** Susie Pearce, Fleet and Administration Officer - Workshop

**Authoriser:** Kevin Byers, Manager Technical Services

**Meeting Date:** 12 September 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

3.3.1: Implement the Asset Management Strategy and Roadmap.

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

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#### **Executive Summary**

The *Local Government Regulation Queensland 2012* requires Council to invite written tenders for large sized contractual arrangements for goods and services purchased from a supplier that is expected to exceed \$200,000.00 ex GST per financial year. The purchase of the truck is in the category.

Tenders were called in TBSC/23/019 - Supply and Delivery of one (1) Fuel and Maintenance Truck (approximately 11t GVM). Tender closed on Monday 28 August 2023. Three (3) Prequalified suppliers were selected in the following Local Buy Contract NPN 04-13 Trucks with LB286 Truck Bodies.

The dealer's responses were from three (3) manufacturers that consisted of six (6) trucks. These quotations were assessed using a multi-criteria weighting method.

#### **Recommendation**

That Council accepts the quotation in TBSC/23/019 from AP Townsville Pty Ltd (Isuzu Trucks Townsville) for one (1) Truck - Isuzu FRR 110-260 MWB auto with BBA body for a total of \$222,430.34 excluding GST.

#### **Background**

The truck is listed in the 2023-2024 Budget for replacement. Assessment of the truck meets the expectation of upcoming works and operational costs whilst maintaining a fit for purpose fleet.

Tender TBSC/23/019 was offered to the three (3) suppliers listed on the pre-qualified supplier list on Local Buy Contract NPN 04-13 with LB286 Truck Bodies. At the time of closing, conforming quotations were received from the below suppliers:

- AP Townsville Pty Ltd (Isuzu Trucks Townsville)
- Honeycombes Sales & Service Pty Ltd (HINO)
- RGM Maintenance Pty Ltd (FUSO)

Council used a multi-criteria assessment scoring based on:

- Whole of Life Costs
- Price

- Local Content
- Suitability for Work Purpose
- Compliance
- Delivery
- Commonality
- Warranty

Tender offers from AP Townsville Pty Ltd for the Isuzu FRR 110-260 MWB Auto being the most advantageous and cost effective for Council while meeting operational requirements.

It is important to note that the heavy vehicle industry is still experiencing significant delivery delays.

Analysis of all tendered offers are shown in the below table.

Fuel and Maintenance Truck - Single Cab (approximately 11t GVM)		
Supplier	Weighted Score	Ranking
AP Townsville Pty Ltd (Isuzu Trucks Townsville) Isuzu FRR 110-260 MWB auto	3.50 / 5	1
AP Townsville Pty Ltd (Isuzu Trucks Townsville) Isuzu FRR 110-260 MWB manual	3.48 / 5	2
AP Townsville Pty Ltd (Isuzu Trucks Townsville) Isuzu FRR 110-240 MWB manual	3.23 / 5	3
RGM Maintenance Pty Ltd Fuso Fighter 1124 auto (Tosca body)	3.20 / 5	4
RGM Maintenance Pty Ltd Fuso Fighter 1124 auto (BBA body)	3.15 / 5	5
Honeycombes Sales & Service Pty Ltd Hino FD 1124 AT Leaf 5190 auto	3.02 / 5	6

### Consultation

Consultations were held with Council Works Section to discuss the procurement plan of this fuel and maintenance truck to determine the specification details to suit the job application and cost benefit for Council.

### Budget & Resource Implications

The purchase of the truck is listed in the 2023/2024 Capital Budget.

### Legal Authority & Implications

Not Applicable.

### Policy Implications

Not Applicable.

### Risk Implications (Strategic, Operational, Project Risks)

Not Applicable.



**Attachments**

None

## 7.4.2. TECHNICAL SERVICES

### TBSC/23/017 - Tenders for the Supply and Delivery of Two Trucks with Tipper Bodies

**File Reference:** 2067

**Report Author:** Susie Pearce, Fleet and Administration Officer - Workshop

**Authoriser:** Kevin Byers, Manager Technical Services

**Meeting Date:** 12 September 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

3.3.1 Implement the Asset Management Strategy

5.2.2 Ensure Council's financial position is effectively managed

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#### **Executive Summary**

The *Local Government Regulation Queensland 2012* requires Council to invite written tenders for large-sized contractual arrangements for goods and services purchased from a supplier that is expected to exceed \$200,000.00 ex GST per financial year. The purchase of these Trucks is in the category.

Tenders were called in TBSC/23/017 - Supply and Delivery of two (2) trucks with tipper bodies. Quotation closed on Friday, 11 August 2023. Three (3) Prequalified suppliers were selected in the following the Local Buy Contract NPN 04.13 Truck Suppliers.

The dealer's responses were from three (3) manufacturers that consisted of eight (8) trucks. These quotations were assessed using a multi-criteria weighting method.

#### **Recommendation**

That Council accepts the quotations in TBSC/23/017 - Truck 1 from AP Townsville Pty Ltd (Isuzu Trucks Townsville) for one (1) Isuzu FRR 110-240 Tipper truck for a total of \$101,827.74 excluding GST, and Truck 2 from Honeycombes Sales & Service for one (1) Hino 300 Series 917 MT 3430 Wide Tip Pro \$83,484 excluding GST, being a total of \$185,311.74 excluding GST.

#### **Background**

The two (2) trucks are listed in the 2023-2024 Budget for replacement. Assessment of the trucks meets the expectation of upcoming works and operational costs whilst maintaining a fit for purpose fleet.

Tender TBSC/23/017 was offered to the three (3) suppliers listed on the pre-qualified supplier list on Local Buy Contract NPN 04-13. At the time of closing, conforming quotations were received from the below suppliers:

- AP Townsville Pty Ltd (Isuzu Trucks Townsville)
- Honeycombes Sales & Service Pty Ltd (HINO)
- RGM Maintenance Pty Ltd (FUSO)

Council used a multi-criteria assessment scoring based on:

- Whole of Life Costs

- Price
- Local Content
- Suitability for Work Purpose
- Compliance
- Delivery
- Commonality
- Warranty

The truck 1 and truck 2 are for different job applications and had different specifications.

The most advantageous and cost effective for Council are:

Truck 1 quotation offer from AP Townsville Pty Ltd for the Isuzu FRR 110-240 Tipper Truck.

Truck 2 quotation offer from Honeycombes Sales and Service Pty Ltd for the Hino 300 Series 917 MT3430 Wide Tip Pro.

It is important to note that the heavy vehicle industry is still experiencing significant delivery delays.

Analysis of all tendered offers are shown in the below table.

Truck 1 - Single Cab with Tipper Body (minimum 10t GVM)		
Supplier	Weighted Score	Ranking
AP Townsville Pty Ltd (Isuzu Truck Townsville) Isuzu FRR 110-240 Tipper	3.30 / 5	1
Honeycombes Sales & Service Pty Ltd Hino 500 Series FC1124 MT Leaf 3850 Tip Pro 4	3.17 / 5	2
AP Townsville Pty Ltd (Isuzu Truck Townsville) Isuzu FSR 140/120-260 Tipper	3.00 / 5	3
RGM Maintenance Pty Ltd FUSO 6M60-9AT1	2.80 / 5	4

Truck 2 - Single Cab with Tipper Body (minimum 8.5t GVM)		
Supplier	Weighting Score	Ranking
Honeycombes Sales & Service Pty Ltd Hino 300 Series 917 MT 3430 Wide Tip Pro	3.47 / 5	1
AP Townsville Pty Ltd (Isuzu Truck Townsville) Isuzu NQR 87/80-190 MWB	3.00 / 5	2
AP Townsville Pty Ltd (Isuzu Truck Townsville) Isuzu FRR 110-240 MWB	2.90 / 5	3
RGM Maintenance Pty Ltd FUSO 6M60-9AT1	2.80 / 5	4

**Consultation**

Consultations were held for Truck 1 with Council Works Section and for Truck 2 with Council Parks Section to discuss the procurement plan of these job trucks to determine the specification details to suit the job application and cost benefit for Council.

**Budget & Resource Implications**

The purchase of the two (2) trucks are listed in the 2022/2023 Capital Budget is within the budget allocation.

**Legal Authority & Implications**

Not Applicable.

**Policy Implications**

Not Applicable.

**Risk Implications (Strategic, Operational, Project Risks)**

Not Applicable.

**Attachments**

None