



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 12 September 2023

COMMENCING AT 9:02 AM

ORDER OF BUSINESS:

1. ATTENDANCE

Councillor Lyn McLaughlin, Councillor Sue Perry, Councillor Kaylee Boccalatte, Councillor Michael Detenon, Councillor John Furnell, Councillor Max Musumeci.

Mr. T. Brennan - Chief Executive Officer
Mr. N. O'Connor – Director Corporate and Community Services
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services
Mr. K. Byers - Manager Technical Services (Part)
Mr. P. Day - Manager Environmental and Health Services (Part)
Mrs. R. Stockdale - Senior Governance Officer (Part)
Mr. C. Batchelor - Governance and Property Officer (Part)

Minutes Clerk - Ms. G. Biffanti

Apologies - Councillor John Bonanno

2. PRAYER

The meeting prayer was delivered by Reverend Malia Ma'u of the Burdekin Uniting Church.

9.08am - Mr. Byers entered the meeting.

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Musumeci advised he had a Declarable Conflict of Interest in relation to Item 6.4.5 TBSC/22/014 - Tender for Paddock Rental - Land Adjoining Ayr Industrial Estate as his wife is the applicant's accountant. Councillor Musumeci advised of his intention to leave the meeting during this discussion.

4. MINUTES AND BUSINESS ARISING

4.1. 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.

Resolution

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

CARRIED

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

Executive Summary

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

Recommendation

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.

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.

Resolution

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

CARRIED

9.18am - Mr. Byers left the meeting.

5. EXECUTIVE

5.1. CEO

5.2. ECONOMIC DEVELOPMENT

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.2. COMMUNITY DEVELOPMENT

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.4. GOVERNANCE

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

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
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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.

Resolution

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

CARRIED

9.21am - Mrs. Stockdale entered the meeting.

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

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.

Resolution

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

CARRIED

6.4.3. Declaration of Gifts, Benefits, and Prizes Policy

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.

Resolution

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

CARRIED

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

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.
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Resolution

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

CARRIED

9.32am - Mr. Day entered the meeting.

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

9.36am Councillor Musumeci left the meeting at the commencement of this discussion as he had a Declarable Conflict of Interest in Item 6.4.5 TBSC/22/014 - Tender for Paddock Rental - Land Adjoining Ayr Industrial Estate as his wife is the applicant's accountant.

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.

Resolution

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

CARRIED

9.43am - Councillor Musumeci re-entered the meeting.

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

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.

Resolution

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

CARRIED

9.47am - Mr. O'Connor left the meeting.

9.51am - Mr. O'Connor re-entered the meeting.

9.52am - Mr. Byers re-entered the meeting.

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

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.

Resolution

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

FOR - Councillors Lyn McLaughlin, Michael Detenon, Kaylee Boccalatte, John Furnell and Sue Perry

AGAINST - Councillor Max Musumeci

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CARRIED

9.59am - Mr. Day left the meeting.

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

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.

Resolution

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

CARRIED

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

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.

Resolution

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

CARRIED

10.05am - Mr. Byers left the meeting.

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

11.1. Approval Leave of Absence - Councillor Boccalatte

Resolution

Moved Councillor Furnell, seconded Councillor Detenon that Council approve a leave of absence for Councillor Boccalatte from 22 to 26 September 2023.

CARRIED

11.2. Approval Leave of Absence - Councillor Furnell

Resolution

Moved Councillor Perry, seconded Councillor Musumeci that Council approves a leave of absence for Councillor Furnell from 25 to 28 September 2023.

CARRIED

12. CLOSED BUSINESS ITEMS

13. DELEGATION

There being no further business the meeting closed at 10.42am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 26 September 2023.

MAYOR
