



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 14 November 2023

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

1. ATTENDANCE

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

Mr. T. Brennan - Chief Executive Officer

Mr. N. O'Connor – Director Corporate and Community Services

Mr. W. Saldumbide – Acting Director of Infrastructure, Planning and Environmental Services

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

Mr. P. Day - Manager Environmental and Health Services (Part)

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

Mr. J. Tickle - Manager Water and Wastewater (Part)

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

Minutes Clerk - Ms. G. Biffanti

2. PRAYER

The meeting prayer was delivered by Father Manoj Kunnath of the Catholic Church.

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 24 October 2023

Recommendation

That the minutes of the Ordinary Council Meeting held on 24 October 2023 be received as a true and correct record.

Resolution

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

CARRIED

4.2. Economic Development Advisory Group Meeting Minutes - 5 October 2023

Executive Summary

This report provides the minutes of the Economic Development Advisory Group Meeting held on 5 October 2023.

Recommendation

Item 1 - Ayr CBD Caravan Parking

That Council review the current highway directional signage for caravan parking in Graham Street, Ayr and investigate options to better promote this to visitors.

That:

1. the minutes of the Economic Development Advisory Group Meeting held on 5 October 2023 be noted and adopted.
2. the recommendations as detailed in the minutes and summarised in Item 1 above be adopted.

Resolution

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

CARRIED

4.3. Burdekin Shire Youth Council Meeting Minutes - 9 October 2023

Executive Summary

This report provides the minutes of the Burdekin Shire Youth Council Meeting held on 9 October 2023.

Recommendation

There are no recommendations for adoption.

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 9 October 2023 be noted and adopted.

Resolution

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

CARRIED

4.4. Local Disaster Management Group Meeting Minutes - 3 November 2023

Recommendation

That the minutes of the Local Disaster Management Group Meeting held on 3 November 2023 be received as a true and correct record.

Resolution

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

CARRIED

9.13am - Mrs. Olsen entered the meeting.

5. EXECUTIVE

5.1. CEO

5.1.1. Ordinary Council Meetings - December 2023 and January 2024

Executive Summary

The Council's Ordinary Meeting cycle is normally varied during the December/January period each year to accommodate the absence of Councillors and key staff with personal and leave commitments over this period. It is proposed to hold only one (1) Ordinary Council Meeting in December 2023 and also one (1) meeting in January 2024. The workshop meeting cycle will also be varied during this period.

Recommendation

That the Council Ordinary meeting cycle be varied in December 2023 and January 2024 with only one (1) meeting being held in each month on the following dates:

- Tuesday, 12 December 2023
- Tuesday, 23 January 2024

and the Workshop Meeting cycle also be varied during this period.

Resolution

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

CARRIED

5.1.2. Council Workshops - October 2023

Executive Summary

In line with agreed meeting arrangements, the Council conducted two (2) general workshops during October with workshops held on 3 and 31 October 2023.

A range of policy and operational issues were discussed by Councillors and staff at the workshops. A summary of the items discussed at the workshops is outlined in the report.

Recommendation

That the report on Council workshops held on 3 and 31 October 2023 be received and noted.

Resolution

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

CARRIED

5.2. ECONOMIC DEVELOPMENT

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.1.1. Burdekin Local Disaster Management Plan and Subplans

Executive Summary

On Friday 3 November 2023, the Burdekin Local Disaster Management Group approved the reviewed and updated 2023 Burdekin Local Disaster Management Plan and Sub Plans to be adopted at the next Burdekin Shire Council Meeting to be held on Tuesday 14 November 2023.

Recommendation

That the Burdekin Shire Council receives and adopts the 2023 Burdekin Local Disaster Management Plan and Sub Plans as approved by the Burdekin Local Disaster Management Group on Friday 3 November 2023.

Resolution

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

CARRIED

6.2. COMMUNITY DEVELOPMENT

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.3.1 Sale of Land for Overdue Rates and Charges

Executive Summary

To effectively address current rate arrears on some properties, the sale of land process will be necessary to discharge overdue rates and charges. Previous requests for payment have been ignored and the total outstanding revenue on these properties now exceeds \$135,000.00.

If at any time during the sale of land process outstanding rates, charges and expenses on a property are paid in full, proceedings will cease.

Recommendation

That pursuant to Section 140(2) of the *Local Government Regulation 2012*, Council sells the land described in "Schedule A – List of Properties" for overdue rates and charges;

And that Council delegates to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012* to effect sale of the land or end the sale procedures if appropriate (Section 141(3) of the Regulation).

Schedule A – List of Properties

Property No.	Legal Description	Amount Outstanding as at 7 November 2023
38	Lot 11 A 77819	14,022.94
39	Lot 10 A 77819	11,671.16
4303	Lot 2 RP 731945	11,384.56
4434	Lot 7 RP 713961	15,789.05
5202	Lot 35 RP 707557	17,522.17
5218	Lot 48 RP 707557	15,953.93
6409	Lot 48 A 26512	14,632.11
14066	Lot 84 SP 222948	7,492.48
14461	Lot 15 RP 748492 Lot 16 RP 748492	7,590.05
18315	Lot 2 SP 262322	19,143.96

Resolution

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

CARRIED

9.22am - Mrs. Olsen left the meeting.

6.4. GOVERNANCE

6.4.1. Proposed Approach - Development of the Burdekin Shire Local Housing Action Plan

Executive Summary

Burdekin Shire Council submitted a motion for consideration at the 2022 Local Government Association of Queensland (LGAQ) Annual Conference which called on State and Federal Governments to allocate specific funding to support Councils to prepare Local Housing Action Plans (LHAPs).

The conference supported the motion, and in turn the State Government has provided funding to the LGAQ to support Councils in developing LHAPs. Since confirmation of financial and project co-ordination support from the LGAQ, Burdekin Shire Council staff have been liaising with Hinchinbrook Shire Council staff to explore a joint approach to development of LHAPs for both Shires. Given the similarities in demographics, economic profiles and anecdotal housing issues facing both Shires, a joint approach would result in more efficient use of funding, consulting effort and project management. This report seeks Council's approval of the proposed approach to developing the Burdekin Shire Local Housing Action Plan.

Recommendation

That Council approves the proposed approach to development of the Burdekin Shire Local Housing Action Plan as detailed in this report.

Resolution

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

CARRIED

6.4.2. Operational Plan 2023/2024 Quarter 1 Report

Executive Summary

In accordance with the *Local Government Act 2009* and *Local Government Regulation 2012*, Council is required to adopt an Annual Operational Plan that details the operational activities to be performed to progress the implementation of the adopted Corporate Plan. Council adopted the 2023/2024 Operational Plan when they adopted the Budget in June. The Chief Executive Officer (CEO) is required to prepare a quarterly report to Council on the implementation of the Operational Plan.

The Operational Plan includes a measurement statement for each defined activity which is used to help track progress and measure performance. A traffic light system has also been used to provide an "at-a-glance" view of how each activity is progressing. At the end of the Q1 period, 87% of operational plan activities are considered to be meeting or above target, 10% of activities are considered to be "progressing" and 3% of activities were "inactive". No activities were reported as being "under target". The attached detailed report provides comments for each operational activity for the Quarter 1 period.

Recommendation

That Council adopts the Operational Plan 2023/2024 Quarter 1 Report as attached.

Resolution

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

CARRIED

6.4.3. Public Interest Disclosure Policy

Executive Summary

Council is required to adopt and implement a Public Interest Disclosure Policy in accordance with the *Public Interest Disclosure Act 2010* ("PID Act"). The *Public Interest Disclosure Act 2010* aims to promote the public interest by facilitating the public interest disclosure of wrongdoing in the public sector, protecting the interests of people who make disclosures and ensuring that disclosures are properly assessed and investigated. Council's Public Interest Disclosure Policy details Council's commitment to dealing appropriately with disclosures made in accordance with the *PID Act*.

The Policy was last reviewed and adopted in September 2020 when a new section was included to reflect Human Rights considerations. The policy has been reviewed in accordance with the agreed review schedule. The *PID Act* is currently under review, and the policy will need to be reviewed when these changes are introduced. At this time, no changes to the policy are proposed.

Recommendation

That Council adopts the Public Interest Disclosure Policy as attached to this report.

Resolution

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

CARRIED

9.45am - Mr. Day entered the meeting.

9.48am - Mr. Tickle entered the meeting.

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.1.1. Clare Pool - Review of Opening Hours Trial

Executive Summary

A six (6) week trial for hours of operation under lifeguard supervision at Clare Pool was completed on 28 October 2023. It is proposed to continue the hours of the trial up to April 30, 2024 in its current format excepting for a change in opening days from Saturday to Sunday due to lifeguard availability. A request has been received by the current service provider, for an increase to the weekly payments.

Recommendation

That Council:

1. Approves the opening hours under lifeguard supervision of the Clare Swimming Pool, until the end of the season being 30 April 2024, as Monday, Tuesday, Friday and Sunday from 3.30pm - 6.00pm; and
2. Approves the additional cost of \$10,670.00 for providing the lifeguard service at the Clare Pool for the period 30 October 2023 to 30 April 2024.

Resolution

Moved Councillor Musumeci, seconded Councillor Perry that the recommendation be adopted noting the amendment of the additional cost in Dot Point 2 of the recommendation is now \$7,500.00.

CARRIED

9.52am - Mr. Day left the meeting.

9.54am - Mrs. Galletta entered the meeting.

7.2. OPERATIONS

7.2.1. Approval to Make Funding Submissions for Flooded Road Warning Systems and Mount Kelly Water Supply Duplicate Break Tank under the Queensland Resilience and Risk Reduction Fund

Executive Summary

The Queensland Resilience and Risk Reduction Fund provides funding for communities to mitigate and manage the risks associated with natural disasters. The Burdekin Shire is impacted on a yearly basis by natural disasters and Council regularly investigates, plans and prioritises infrastructure projects that improve community resilience and reduces risks associated with natural disasters.

Officers are recommending that Council submit two (2) projects for the current round of funding as follows:

-
1. The Burdekin/Haughton Flood Resilience Strategy Action Plan identifies the installation of Flood Cameras (BSC26) as an action to mitigate the ongoing management of the impacts of natural disasters. The installation of Flooded Road Warning Systems including wigwag signage and flood cameras will allow early detection of flooded roads and provide visual warnings to the community.
 2. The Mount Kelly Water Supply utilises a 60kL pressure break tank to reduce water hammer in the rising main between the Mount Kelly borefield and the elevated reservoir. To enhance water supply security and reliability during natural disasters Council is proposing to install a second break tank to increase the water storage from 60KI to 120KI, reducing water hammer in the rising main whilst doubling the storage capacity held for pumping in the event of a failure of the bores during natural disasters.

Recommendation

That Council submit applications to the Queensland Reconstruction Authority under the Queensland Resilience and Risk Reduction Fund for:

- \$320,832.00 for Flooded Road Warning Infrastructure including cameras and wigwag signage with Council contributing \$35,648.00 or 10% to the total project cost of \$356,480.00.
- \$112,365.00 for construction of a 60kL break tank for the Mount Kelly Water Supply with Council contributing \$12,485.00 or 10% to the total project cost of \$124,850.00.

Resolution

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

CARRIED

7.2.2. Replacement of Water Mains in Ayr

Executive Summary

Tenders for TBSC/23/024 – Replacement of Watermains in Ayr closed at 2.00pm on the 16 October 2023.

A total of 62 sets of documents were requested and issued to prospective tenderers.

Two (2) tenders were received at the nominated closing time. One (1) of the tenderers is located in the Townsville area and one (1) is based in the Mackay area.

Recommendation

That Council accepts tender of Roebuck Civil for the revised tender price for TBSC23/025 - Replacement of Watermains in Ayr for \$469,712.04 Excluding GST.

Resolution

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

CARRIED

7.2.3. Tenders Received TBSC/23/025 - Installation of a Prefabricated Pump Station and Pipework - Ayr/Brandon WastewaterQ Treatment Plant

Executive Summary

Council's day labour workforce began construction of the earthworks component of the Ayr/Brandon Macro Algae Bioremediation Facility earlier this year with Regan Aqua being contracted to construct the pumping and treatment infrastructure of the new facility. As part of the works a pump station and associated pipework is required to be installed by Council, to an agreed battery limit, to allow the wastewater to be transferred to and returned from the new treatment facility. The pump station was procured earlier this year and the installation will be included as part of the scope of works for this tender.

Tenders for TBSC/23/025 – Installation of a Prefabricated Wastewater Pump Station and Pipework closed at 2.00pm on the 16 October 2023 with 114 sets of documents being requested and issued to prospective tenderers. Four (4) tender proposals were received on closing with one (1) proposal excluded as a non-conforming tender. The remaining three (3) proposals were received from construction companies in Townsville, Mackay, and Cairns.

The purpose of this report is to seek Council's approval to award the contract to undertake the construction of the pipework and pump station to Advanced Civil.

Recommendation

That Council:

1. Endorses the recommendations of the assessment panel and selects Advanced Civil to be awarded the contract for the installation of a prefabricated pump station and pipework (TBSC/23/025) for the total lump sum of \$593,979.09 ex GST.

Resolution

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

CARRIED

10.03am - Mr. Tickle left the meeting.

7.3. PLANNING AND DEVELOPMENT

7.3.1. Endorse the Local Government Infrastructure Plan 5 Year Review

Executive Summary

Town Planning and Infrastructure Advisory Consultancy Integran was engaged by Council to complete the Local Government Infrastructure Plan (LGIP) review that must be completed every five (5) years as per the requirements of the *Planning Act 2016*.

This report is to:

- a. Inform Council of the requirements and outcomes of the current LGIP review; and
- b. To seek direction as to whether:
 - i. A new LGIP is made.

-
- ii. The current LGIP is amended; or
 - iii. No amendment is made to the current LGIP

Council is required to notify the Minister of its decision within twenty (20) business days.

Recommendation

That Council:

1. Endorse the Integran LGIP Review Report Revision 1.1, finalised 2 November 2023.
2. In accordance with Chapter 5, Part 4 of the Ministers Guidelines and Rules (MGR), decide to make a new LGIP that meets the current requirements.
3. In accordance with Chapter 5, Part 5, Section 23.3 of the Ministers Guidelines, write to the Chief Executive Officer of Department of State Development Infrastructure Local Government and Planning within twenty (20) business days, advising the State that the LGIP review was completed on the 16 October 2023, and Council's decision is to make a new LGIP.

Resolution

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

CARRIED

7.3.2. Development Application for a Development Permit for Reconfiguring a Lot - Boundary Realignment (Two (2) Lots into Two (2) Lots) at 121 and 129 Ey Road, Airville (Lots 3 and 4 on SP146555)

Executive Summary

Council is in receipt of an impact assessable reconfiguration of a lot development application lodged by Brazier Motti on behalf of applicant, Patricia Strathdee, for a boundary realignment of the common boundary of two (2) lots of land described as Lots 3 and 4 on SP146555, located at 121 and 129 Ey Road, Airville.

As the development application is impact assessable, officers have assessed it both against the relevant assessment benchmarks of the *Burdekin Shire Council Planning Scheme 2022* and all other relevant legislation together with an assessment on the merits of the application.

As a result of this assessment, Officers consider that despite any conflicts identified in part with the applicable codes (Rural Zone Code, Reconfiguring a Lot Code, Development Works Code, and Overlay Codes), the proposal generally aligns with the outcomes sought by the Planning Scheme including its Strategic Framework.

Given this and with the application of reasonable and relevant conditions, the proposed boundary realignment is therefore recommended for approval.

Recommendation

That Council approve the proposed Development Application seeking a Development Permit for Reconfiguring a Lot – Boundary Realignment (Two (2) Lots into Two (2) Lots) subject to reasonable and relevant conditions as set out below:

Condition	Reason	Timing
1 General and Administration <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 with 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>Works – Applicant's Responsibility/Expense</u> 1.4 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. 1.5 The applicant must repair any damage to existing infrastructure (e.g. 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. <u>Infrastructure Conditions</u> 1.6 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.		At all times.
2. Approved Plans and Documents <u>Approved Plans & Documents</u> 2.1 The proposed development must be completed, comply with and maintained generally in accordance with the drawings/ documents identified in the above, except as otherwise specified and/or amended by any condition of this approval.	The development must comply with all planning scheme requirements as approved and conditioned by this development permit.	At all times.

Condition	Reason	Timing
2.2 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. 2.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
Approved Plans		
Drawing Title	Drawing/Revision	Date
Proposed Reconfiguration	Plan No: 57004/001 B Prepared by Brazier Motti	13 September 2023
3. Payment of Rates, Charges and Expenses 3.1 Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land. 3.2 Pay the sum calculated at the current charge per lot to be levied on the Council by the Department of Resources, for each new valuation.	Confirmation to be provided to Council prior to the release of the Plan of Survey.	
4. Confirmation of Existing Services The existing services for each lot must be contained within the individual allotments.	To ensure the development is appropriately serviced in accordance with relevant code/s and policy direction.	Confirmation to be provided to Council prior to the release of the Plan of Survey.
5. Relocation/alteration of Public Utilities The developer must at its own cost undertake all necessary alterations to public utility mains and services as rendered necessary by the carrying out of any required external works or other works associated with the approved development to the satisfaction of Council, and at no cost to Council.	To ensure development is appropriately serviced by public services and/or facilities in accordance with relevant code/s and policy direction.	Prior to the release of the Plan of Survey.

Condition	Reason	Timing
6. Roadworks 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.	To provide appropriate access in accordance with relevant code/s and policy direction.	Prior to the issuing of a Development Permit for Building or Operational Works.
7. Drainage/Stormwater The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.	To convey stormwater across other lands legally and in an environmentally responsible manner in accordance with relevant code/s and policy direction.	At all times.

Advice

1. Infrastructure Charges Not Applicable.
2. Compliance with Conditions Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.
3. Limitation of Approval 3.1 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant. 3.2 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving tide to any claim by a third party the applicant agrees to indemnity and save the council harmless in respect of any claim so arising.
4. Acid Sulfate Soils Should the presence of acid sulfate soils or potential acid sulfate soils be detected, an Acid Sulfate Soils Management Plan may be required to be prepared and submitted to Council for approval.
5. 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 <i>Environmental Protection Act 1994</i> .
6. Earthworks Earthworks are not approved as part of this Development Permit. If any earthworks are required and deemed assessable development, an operational works development application is to be lodged with Council for assessment in accordance with relevant code/s and policy direction.
7. Miscellaneous 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 . 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.

Resolution

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

CARRIED

10.16am - Mrs. Galletta left the meeting.

7.4. TECHNICAL SERVICES

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

12. CLOSED BUSINESS ITEMS

13. DELEGATION

There being no further business the meeting closed at 10.40am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 28 November 2023.

MAYOR
