



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 13 August 2024

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

1. ATTENDANCE

Councillor Pierina Dalle Cort, Councillor Michael Detenon, Councillor John Furnell, Councillor Amanda Hall, Councillor Max Musumeci, Councillor Callan Oar, Councillor Fina Vasta

Mr. N. O'Connor - Acting Chief Executive Officer
Mrs. K Olsen - Acting Director Corporate and Community Services
Mr. W. Saldumbide - Acting Director of Infrastructure, Planning and Environmental Services
Mr. K. Byers - Manager Technical Services (Part)
Mrs. K. Galletta - Manager Planning and Development (Part)
Mr. P. Day - Manager Environmental and Health Services (Part)
Ms. P. Prayaga - Coordinator Public Health and Environment (Part)
Mr. D. Papalardo - Design Office Coordinator (Part)
Ms. S. Batchelor - Project Officer (Part)
Mr. Z. Trace-Campbell - Technical Officer - Civil (Part)
Ms. B. Mohr - Governance and Property Officer (Part)
Mrs. E. Lovell - Economic Development Coordinator (Part)

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

Minutes Clerk - Mrs. S. Iturriaga

2. PRAYER

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

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 23 July 2024

Recommendation

That the minutes of the Ordinary Council Meeting held on 23 July 2024 be received as a true and correct record.

Resolution

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

CARRIED

4.2. Burdekin Shire Youth Council Meeting Minutes - 8 July 2024

Executive Summary

This report provides the minutes of the Burdekin Shire Youth Council Meeting held on 8 July 2024.

Recommendation

Item 5 - Involvement in Bullying No Way Week (Community Notes of Kindness)

Council notes the involvement of the Burdekin Shire Youth Council in promoting Bullying No Way Week with a 'Community Notes of Kindness' project during the month of August.

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 8 July 2024 be noted and adopted.
2. the recommendations as detailed in the minutes and summarised in Item 5 above, be adopted.

Resolution

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

CARRIED

5. EXECUTIVE

5.1. CEO

5.1.1. Council Attendance at the Local Government Association of Queensland Annual Conference and Annual General Meeting - 21 to 23 October 2024 - Brisbane

Executive Summary

Advice has been received from the Local Government Association of Queensland (LGAQ) that it's Annual Conference and Annual General Meeting is being held in Brisbane from 21 to 23 October 2024.

Recommendation

Council endorses the Mayor, Councillor Pierina Dalle Cort and two (2) Councillors to attend the Local Government Association of Queensland Annual Conference in Brisbane from 21 to 23 October 2024, with all expenses of attendance at the Conference be met by Council.

Resolution

Moved Councillor Detenon, seconded Councillor Musumeci that Councillors Dalle Cort, Oar and Hall are approved to attend the Local Government Association of Queensland Annual Conference in Brisbane from 21 to 23 October 2024, with all expenses of attendance at the Conference be met by Council.

CARRIED

9.10am - Ms. Mohr entered the meeting.

9.11am - Mr. Day entered the meeting.

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. Revocation of Parts of Reserve Land at Lot 51 on SP284278 - Beachmount Hill Recreation Reserve - Wunjunga

Executive Summary

Council at its workshop held on 6 June 2022 agreed that it has no further need for parts of Reserve Land at Lot 51 on SP284278 adjoining Lot 13 and Lot 24 on SB706 being approximately 300sqm adjoining Lot 13 on SB706, 11 Kookaburra Terrace, Wunjunga and approximately 138sqm adjoining Lot 24 on SB706, 12 Kookaburra Terrace, Wunjunga as per attachment A.

These parcels of land are surplus to Council's requirements and interest has been expressed by prospective purchasers in acquiring the land. Council has undertaken community consultation to ascertain any opposition to the loss of this amenity and no submissions were received.

Recommendation

That Council confirms its position that it has no further need for parts of Reserve Land at Lot 51 on SP284278 adjoining Lot 13 and Lot 24 on SB706 being approximately 300sqm adjoining Lot 13 on SB706, 11 Kookaburra Terrace, Wunjunga and approximately 138sqm adjoining Lot 24 on SB706, 12 Kookaburra Terrace, Wunjunga.

Resolution

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

CARRIED

6.4.2. Trustee Lease Renewal - Lease E on Part of Lot 141 on Crown Plan GS808420 - Marie Finlay

Executive Summary

The Trustee Lease between Council and Marie Finlay over a portion of Reserve for Local Government (Flood Erosion Control) Purposes R252 (Lot 141 on GS808420) located at Rita Island expires on 31 October 2024. The current lease was for a term of five (5) years. Ms Finlay has confirmed she wishes to renew the lease under the existing terms and conditions.

In dealing with this matter Council must comply with the procedures for disposal of a valuable non-current asset as set out in the Local Government Regulation 2012.

Recommendation

That Council:

- a) Applies the exception under Section 236(1)(c)(iii) of the *Local Government Regulation 2012* to allow the disposal of part of Lot 141 on GS808420 to Marie Finlay for grazing purposes.
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b) Agrees in principle to enter into a trustee lease for grazing purposes only under Section 57(1) of the Land Act 1994 with Marie Finlay over a portion of Reserve for Local Government (Flood Erosion Control) Purposes Lot 114 on GS808420 comprising approximately 19.9 hectares for a further term of five (5) years under similar terms and conditions (including annual rental arrangements).

Resolution

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

CARRIED

9.18am - Ms. Mohr left the meeting.

9.21am - Ms. Prayaga entered the meeting.

9.22am - Mrs. Galletta entered the meeting.

6.4.3. Operational Plan 2023/2024 Q4 Report

Executive Summary

Council's Annual Operational Plan sets out the activities and performance measures that have been agreed upon to achieve the objectives of the Corporate Plan. The Chief Executive Officer (CEO) is required to provide Council with a progress report every three (3) months on the achievement of the Operational Plan activities. The Operational Plan Q4 Report provides an overview of the achievements associated with each of the five (5) key strategic areas of the Corporate Plan. As with previous operational plan reports, a traffic light system has been applied to provide an "at a glance" view of the status of each agreed activity.

Overall, Council has performed well with a high percentage (86%) of activities considered to be "at or above" the agreed target. A further 14% of activities are considered to be "progressing". A detailed report is attached for Council's consideration.

Recommendation

That Council adopts the Operational Plan Q4 Report 2022/2023 as attached to this report.

Resolution

Moved Councillor Vasta, seconded Councillor Oar that the recommendation be adopted.

CARRIED

7.3. PLANNING AND DEVELOPMENT

7.3.1. Change (Minor) Application. Development Permit for Material Change of Use - Accommodation Building at 9-11 Nelson Street, Clare (Lot 20 on SP314314).

Executive Summary

Council is in receipt of Change (Minor) Application made in relation to the conditions of approval for Development Permit (MCU22/0007, Negotiated Decision Notice given 19 December 2022) for a Material Change of Use – Accommodation Building on land described as Lot 20 on SP314314 and located at 9 - 11 Nelson Street, Clare.

The Change (Minor) Application (refer Attachment A) was properly made to Council on 11 June 2024, by BNC Planning on behalf of the applicant, Asimus Pty Ltd, with the notice seeking to amend two (2) conditions of the development permit being:

- Condition 10: Roadworks, Traffic and Access; and
- Condition 13: Landscaping and Screen Fencing.

This original request was determined by Council at the meeting held on the 23 July 2024. However, prior to the issuing of the Decision Notice (due 30 July 2024) the applicant requested:

- (a) an extension of time to the decision making period; and
- (b) an amendment to the original change request.

Council Officers have reviewed and considered the amended Change (Minor) Application request and as a result, Council agrees to support and recommend part approval to Condition 10 only, which is to be amended (shown as tracked changes) as follows:

10. Roadworks, Traffic and Access Works are to be completed in two (2) stages: Stage 1 10.1 A new 4.0m wide bitumen sealed roadway from concrete crossover in School Road to southern extent of the subject site is to be provided. 10.2 All on-site parking areas must be bitumen sealed and line marked. 10.2 On-site parking areas are to be constructed of angular crushed rock. 10.3 On-site parking areas are to be compacted using a steel drum roller prior to operation. 10.4.3 All areas used for vehicle movements between the new sealed roadway and the property boundary are to be bitumen sealed.	To provide development with access in accordance with council Council's standards and to ensure the community has a suitable level of amenity maintained as a result of the development activity.	Technical details are to be submitted to council as part of an application for Operational Work, then at all times.
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Condition	Reason	Timing
10.5.4 All bitumen sealing works are to be completed within thirty-six (36) months from the date the Development Permit for Operational Works is issued. 10.5 All construction must be to the satisfaction of Council and in accordance with Council's standards. 10.6 All on-site parking spaces must be marked in accordance with the Transport Operations (Road Use Management) Act 1995 (TORUM Act) and must be read alongside the Manual of Uniform and Traffic Control Devices (MUTCD). Stage 2 10.7 All on-site parking areas must be bitumen sealed and line marked within 24 months of completing Stage 1 works. General (applicable for both stages) 10.8.7 RPEQ certification is required to be submitted as part of an Operational Works application. 10.8.8 Parking spaces, accesses and driveways not to be used for any other purpose. 10.10.9 Provide to Council prior to the commencement of works, a cross section 1:50 scale of all driveways showing existing and design levels for crossovers. 10.11.10 Vehicles must not exit the site in a reverse direction. 10.12.11 Provide pedestrian access, both internal and external to the site, which is separated from vehicular access to minimise the potential for pedestrian and vehicle conflict. 10.13.12 Development must not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding uses. 10.14.13 During the construction phase, any damage to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with council's standards.		

Officers, however, do not support the requested amendments to Condition 13 which related to landscaping and screen fencing provisions and recommend it remains unchanged. Condition 13 is considered still applicable, given the proximity of the proposed development to neighbouring dwellings.

13. Landscaping and Screen Fencing

1. *The site is to be suitably landscaped (with appropriate irrigation installed) with suitable species, in accordance with council's specifications and to the satisfaction of the Chief Executive Officer.*
2. *A minimum 1.8m high timber paling (with max 10mm gap) or similar style fence is to be provided for the full length of all property boundaries excepting pedestrian and vehicle access points.*

Recommendation

That Council approve in part a Change (Minor) Application to the Development Permit for a Material Change of Use – Accommodation Building on land described as Lot 20 on SP314314, located at 9-11 Nelson Street, Clare, subject to amended Condition 10 (as follows) with all other conditions of approval remaining applicable as per the Negotiated Decision Notice issued 19 December 2022 (refer Attachment C for Recommended Amended Conditions of Approval):

10. Roadworks, Traffic and Access

- 10.1 A new 4.0m wide bitumen sealed roadway from the concrete crossover in School Road to the southern extent of the subject site is to be provided.
- 10.2 All on-site parking areas must be bitumen sealed and line marked.
- 10.3 All areas used for vehicle movements between the new sealed roadway and the property boundary are to be bitumen sealed.
- 10.4 All bitumen sealing works are to be completed within thirty-six (36) months from the date the Development Permit for Operational Works is issued.
- 10.5 All construction must be to the satisfaction of Council and in accordance with Council's standards.
- 10.6 All on-site parking spaces must be marked in accordance with the Transport Operations (Road Use Management) Act 1995 (TORUM Act) and must be read alongside the Manual of Uniform and Traffic Control Devices (MUTCD).

General

- 10.7 RPEQ certification is required to be submitted as part of an Operational Works application.
 - 10.8 Parking spaces, accesses and driveways not to be used for any other purpose.
 - 10.9 Provide to Council prior to the commencement of works, a cross section 1:50 scale of all driveways showing existing and design levels for crossovers.
 - 10.10 Vehicles must not exit the site in a reverse direction.
 - 10.11 Provide pedestrian access, both internal and external to the site, which is separated from vehicular access to minimise the potential for pedestrian and vehicle conflict.
 - 10.12 Development must not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding uses.
 - 10.13 During the construction phase, any damage to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with Council's standards.
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Resolution

Moved Councillor Vasta, seconded Councillor Oar that the recommendation be adopted.

FOR - Councillors Detenon, Furnell, Musumeci, Oar, Vasta

AGAINST - Councillors Dalle Cort and Hall

CARRIED

9.32am - Mrs. Galletta left the meeting.

13. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

13.1. Reef Guardian Councils Briefing - Great Barrier Reef Marine Park Authority

A presentation was undertaken by representatives from the Reef Guardian Council detailing the functions of The Reef Guardian Council Program.

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.1.1. Adoption of Reef Guardian Council 2024-2028 Memorandum of Understanding

Executive Summary

Council is committed to protecting the Great Barrier Reef through its partnership with the Great Barrier Reef Marine Park Authority (GBRMPA) Reef Guardian Council Program. It is requirement of the program that Council sign a Memorandum of Understanding (MoU) with the GBRMPA.

The Memorandum is governed by the Terms of Reference (ToR), and the ToR defines - purpose, principles and outcomes.

The Role of the Reef Guardian Councils is based on outcomes -

- Develop and implement Action Plan
- Delivering on ground actions
- Empowering people to be part of the solution
- Fostering innovation and change
- Providing information to increase awareness of the Reef's values, threats and actions that can protect the Reef

Recommendation

That Council adopt and sign the Reef Guardian Council Memorandum of Understanding - 2024 to 2028.

Resolution

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

FOR - Councillors Dalle Cort, Detenon, Furnell, Musumeci, Oar, Vasta

AGAINST - Councillor Hall

CARRIED

10.10am - Ms. Prayaga left the meeting.

10.10am - Meeting adjourned for Morning Tea.

10.34am - Meeting recommenced

10.34am - Mr. Byers, Mr. Pappalardo, Mr. Trace-Campbell and Mrs. Batchelor entered the meeting.

7.1.2. Acceptance of Tender - Management - Home Hill Swimming Pool and Home Hill Caravan Park

Executive Summary

Tenders have been called three (3) times since the previous contractor finished on 31 January 2024. The tender was split into Management - Home Hill Swimming Pool (TBSC/24/015) and Management - Home Hill Caravan Park (TBSC/24/016). The current tender opened on 13 June 2024 and closed on 9 July 2024. Three (3) tenders were received at the time of closing for the management of Home Hill Swimming Pool, two (2) of these included a price to manage the Home Hill Caravan Park. One (1) response was received for the management of the Home Hill Caravan Park separately.

A new recommendation for the management of the Home Hill Swimming Pool and Caravan Park is submitted below for approval due to the preferred tenderer LD and LT Shepherd who were approved at the Council Meeting on 23 July 2024, withdrawing their tendered submission for both sites on 25 July 2024.

Recommendation

That Council:

1. Awards TBSC/24/015 – Management – Home Hill Swimming Pool for a period of (3) years, with two (1) year options for extension by mutual agreement to Sage Swim, for \$159,000.00 (GST exclusive) per annum, with the pool open to the public with minimum hours of:

Monday to Friday – 5.30am to 10.00am, and 1.00pm to 6.00pm

Saturday – 8.00am to 5.00pm

Sunday – 10.00am to 5.00pm

Public Holidays – 9.00am to 5.00pm (Closed Good Friday and Christmas Day); and

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2. Accepts the submitted price of \$38,000.00 (GST exclusive) per annum to provide cleaning and ground maintenance services at the Home Hill Caravan Park from Sage Swim; and
 3. Council staff will be responsible for the day-to-day management of the Home Hill Caravan Park booking system and building maintenance, and
 4. Delegates authority under s257(1)b of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise, and execute any and all matters.

Resolution

Moved Councillor Hall, seconded Councillor Vasta that the recommendation be adopted.

CARRIED

7.2. OPERATIONS

7.4. TECHNICAL SERVICES

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

11.1. Approved Leave of Absence - Councillor Micheal Detenon

Councillor Detenon requested approval for a leave of absence for the period of 2 September to 30 September 2024.

Resolution

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

CARRIED

11.2. Approved leave of Absence - Councillor Max Musumeci

Councillor Musumeci requested approval for a leave of absence for the period of 9 January and 27 January 2025.

Resolution

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

CARRIED

10.44am - Mrs. Lovell entered the meeting.

12. CLOSED BUSINESS ITEMS

There being no further business the meeting closed at 10.51am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 29 August 2024.

MAYOR
