



**Burdekin Shire Council**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 12 November 2024**

**COMMENCING AT 9:00 AM**

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## **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. M. Magin - Chief Executive Officer  
Mrs. K. Olsen - Director Corporate and Community Services  
Mr. J. Stewart - Director Infrastructure, Planning and Environmental Services  
Mr. G. Arboit - Manager Community Services (Part)  
Mrs. E. Devescovi - Manager Client Services (Part)  
Mrs. K. Galletta - Manager Planning and Development (Part)  
Mr. W. Saldumbide - Manager Operations (Part)  
Mrs. S. Batchelor - Project Officer (Part)

Minutes Clerk - Mrs. S. Iturriaga

### **2. PRAYER**

The meeting prayer was delivered by Pastor Andrew Ballin of the Baptist Church.

### **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 4.2 Community Grants Applications Round 2 as he is currently a voluntary member organising the Sweet FM 25th birthday celebrations. Councillor Musumeci advised of his intention to leave the meeting prior to this discussion.

Councillor Hall advised she had a Declarable Conflict of Interest in relation to Item 12.1 Finalisation of Enforcement Action Non Compliance with Conditions of Development Approval as Madeleine Pasquale is Councillor Hall's niece. Madeleine Pasquale is one of the applicants/operators of Johnson's Landscaping and Earthmoving Pty Ltd. Councillor Hall advised of her intention to leave the meeting prior to this discussion.

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

#### **4.1. Ordinary Council Meeting Minutes - 29 October 2024**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 29 October 2024 be received as a true and correct record.

##### **Resolution**

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

CARRIED

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9.09am - Councillor Musumeci left the meeting at commencement of this discussion as he had a Declarable Conflict of Interest in relation to Item 4.2 Community Grants Applications Round 2, Item 1.1.4.

9.12am - Councillor Musumeci entered the meeting.

## **4.2. Community Grants Panel Meeting Minutes - Round 2 - 29 October 2024**

### **Executive Summary**

This report provides the minutes of the Community Grants Panel Meeting held on 29 October 2024

### **Recommendation**

#### Item 1 – Consideration of Grants Applications Round 2 – 2024/2025 Financial Year

| No. | Applicant                             | Recommended Cash Funding | Recommended In-kind Support |
|-----|---------------------------------------|--------------------------|-----------------------------|
| 1.1 | Millaroo Social Club                  | \$1,000.00               |                             |
| 1.2 | Ayr Golf Club                         | \$1,000.00               |                             |
| 1.3 | East Ayr State School P&C Association | \$2,000.00               |                             |
| 1.4 | Sweet FM Radio                        | \$1,000.00               |                             |
| 1.5 | Clare State School P&C Association    | \$1,000.00               | \$920.00                    |
| 1.6 | Burdekin Chamber                      |                          | \$2,800.00                  |
| 1.7 | Rotary Club of Ayr                    |                          | \$600.00                    |

That:

1. the minutes of the Community Grants Panel Meeting held on 29 October 2024 be noted; and
  2. the recommended funding as detailed in the minutes and noted in Items 1.1 - 1.7 be adopted; and
  3. it be noted that the remaining cash funds for the 2024/2025 Financial Year after the allocation from Round 2 will be \$30,500.00.
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## **Resolution**

Moved Councillor Furnell, seconded Councillor Detenon that the recommendation be adopted noting the following corrections and additional information:

- The round number is 2 not 1
- The Ayr Golf Club grant application amount should be \$2250.00 not \$3000.00
- The footpath licence fee for Queen Street businesses is waived for the duration of the Burdekin chamber Christmas Party event

CARRIED

*9.15am - Mrs. Devescovi and Mrs. Batchelor entered the meeting.*

*9.18am - Mr. Saldumbide entered the meeting.*

### **4.3. Burdekin Shire Youth Council Meeting Minutes - 30 September 2024**

#### **Executive Summary**

This report provides the minutes of the Burdekin Shire Youth Council Meeting held on 30 September 2024.

#### **Recommendation**

No recommendations to report.

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 30 September 2024 be noted and adopted.

#### **Resolution**

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

CARRIED

### **4.4. RADF Advisory Group Minutes - 31 October 2024**

#### **Executive Summary**

This report provides the Minutes of the RADF Advisory Group meeting held on 31 October 2024.

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## Recommendation

### Item 6. Consideration of Applications received in RADF 2024-25 Round 1:

| Applicant                                    | Project  | Requested Funding | Recommended Funding |
|--|--|-------------------|---------------------|
| Burdekin Artisans Community Association      | Employ tutor to conduct art classes on a monthly basis for six months  | \$3,700.00        | \$3,700.00          |
| Burdekin Brass Band Inc                      | Employ tutors to conduct learner and advanced classes, conduct band camps and practices, refurbish instruments and purchase new sheet music.<br><i>It is recommended that funding of \$3,000 be provided to Burdekin Brass Band and that the group be advised that details of external tutor costs need to be included in future applications.</i> | \$5,000.00        | \$3,000.00          |
| Burdekin Potters Inc                         | Employ tutor to conduct "The Sculptured Frogmouth Owl Workshop" focusing on the creation of the Frogmouth Owl form.  | \$2,390.00        | \$2,390.00          |
| Burdekin Shire Youth Council                 | Towards conducting the 2025 Fast Track Talent Showcase and workshops.<br><i>It is recommended that the importance of including data feedback in future applications be conveyed to the applicant.</i>  | \$5,000.00        | \$5,000.00          |
| Burdekin Singers & Theatre Co.               | Towards the cost of performing the musical "Back to the 80's" in Burdekin Theatre.   | \$5,000.00        | \$5,000.00          |
| Burdekin Uniting Church                      | Towards the cost of conducting the 2025 Gospel Music Festival – a free community event to be held at the Burdekin Theatre.<br><i>It is recommended that funding be provided on the condition that written agreement by the guest artist to perform at the event is provided.</i>   | \$5,000.00        | \$5,000.00          |
| Clare State School P&C Association           | Towards the cost of employing tutor to guide the creation of mosaic stepping stones at the school entry, as part of Clare State School 75 <sup>th</sup> anniversary celebrations   | \$1,894.00        | \$1,894.00          |
| Home Hill Tennis Association                 | Creation of artistic privacy screens depicting a cane theme at entrance to upgraded amenities building.  | \$5,000.00        | \$5,000.00          |
| BSC Economic Development and Tourism Section | Employ artist to install mural on wall in MacMillan Street as an extension of murals undertaken throughout the Shire.<br><i>It is recommended that the application not be approved and that the applicant be requested to provide concept drawings and quotes in any future</i>  | \$5,000.00        | \$0.00              |

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|             |  |             |             |
|-------------|--|-------------|-------------|
|             | <i>application.</i>  |             |             |
| Sioeli Ma'u | Attendance at 2025 Queensland Band Association Youth Band Development Camp -Brisbane in January 2025 | \$500.00    | \$500.00    |
| TOTALS      |  | \$38,484.00 | \$31,484.00 |

Item 7. Nominations received for Position on RADF Advisory Group :

The meeting noted that two nominations, from Mr. Jim Nuttall and Mr. Uli Liessmann, had been received following advertising of the vacancy on the RADF Advisory Group, caused by the standing down of Mrs. Coral Colquhoun who had completed her four years' tenure as a community member.

It is recommended that Mr. Jim Nuttall be appointed to the RADF Advisory Group as a community member for a period of four years.

Item 8. General Business:

8.1 Consideration of Burdekin RADF Priority Funding Areas for 2024/25

The meeting reviewed the RADF Priority Funding Areas for 2024/25 and confirmed the following RADF Priority Funding Areas:

1. Applications which increase participation of priority community including children and young people; people from culturally and linguistically diverse communities; Aboriginal and Torres Strait Islander people and people with disabilities;
2. Applications which invest in cultural and community programs to promote and strengthen community cohesion.
3. Applications which support skill development and mentoring for artists and arts workers to promote and strengthen individual development for a maximum of three years per genre.
4. Applications which align with the Burdekin Shire Council Arts and Cultural Strategy 2021-2030.

8.2 Use of 2023/24 RADF Carry-Over Funds

It was agreed that the RADF Liaison Officer contact Arts Queensland concerning the availability of 2023/24 carry-over funds of \$8,581.00 for distribution in the 2024/25 year.

That:

1. The minutes of the RADF Advisory Group Meeting held on 31 October 2024 be noted, and;
2. The recommendations as detailed in the minutes and summarised in Items 6, 7, 8.1 and 8.2 be adopted.

**Resolution**

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

CARRIED

9.21am - Mr. Arboit left the meeting.

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## **5. EXECUTIVE**

### **5.1. CEO**

#### **5.1.1. Ordinary Council Meetings - December 2024 and January 2025**

##### **Executive Summary**

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 2024 and also one (1) meeting in January 2025. The Workshop Meeting cycle will also be varied during this period.

##### **Recommendation**

That the Council Ordinary meeting cycle be varied for December 2024 and January 2025 with only one (1) meeting being held in each month on the following dates:

- Tuesday, 10 December 2024
- Tuesday, 28 January 2025

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

##### **Resolution**

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

CARRIED

#### **5.1.2. Council Workshops - September and October 2024**

##### **Executive Summary**

In line with agreed arrangements for Council meetings and workshops, one (1) general workshop was conducted during September on 17 September 2024 and two (2) general workshops were conducted during October on 1 and 15 October 2024. Only one (1) general workshop was held in September due to the commencement of the new Chief Executive Officer.

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

##### **Recommendation**

That the report on the Council workshops held on 17 September and 1 and 15 October 2024 be received and noted.

##### **Resolution**

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

CARRIED

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## **5.2. ECONOMIC DEVELOPMENT**

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

### **6.1. CLIENT SERVICES**

#### **6.1.1. Burdekin Local Disaster Management Plan and Sub Plans**

##### **Executive Summary**

Under section 57(1) of the Disaster Management Act 2003, a Local Government must prepare a plan (a “Local Disaster Management Plan”) for disaster management in the Local Government’s area.

On Friday 18 October 2024, the Burdekin Local Disaster Management Group approved the reviewed and updated 2024 Burdekin Local Disaster Management Plan and Sub Plans.

##### **Recommendation**

That the 2024 Burdekin Local Disaster Management Plan and Sub Plans be adopted by Council as attached to this report.

##### **Resolution**

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

CARRIED

#### **6.1.2. SES Support Grant**

##### **Executive Summary**

The SES Support Grant, funded by the Queensland Government, provides financial assistance to Local Governments for the allocation of resources to SES Groups. The Burdekin SES is in need of a new caravan to serve as a base station for search and rescue missions within the Burdekin region and its surrounding areas.

##### **Recommendation**

That Council endorses the following recommendations:

1. Council applies for funding under the SES Support Grant – Vehicles to purchase a caravan for SES use.
  2. Council commits to a co-contribution of \$13,000.00 towards the purchase of a caravan for SES use in the 2025/2026 Capital budget.
  3. It is recommended by the Panel that Council purchase the customised Nomad 17'10 Family caravan from Grand City Caravans if funding is successful.
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## **Resolution**

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

*9.35am - Mrs. Olsen left the meeting.*

*9.36am - Mrs. Olsen entered the meeting.*

*9.38am - Mrs. Devescovi and Mrs. Batchelor left the meeting.*

## **6.2. COMMUNITY DEVELOPMENT**

## **6.3. FINANCIAL AND ADMINISTRATIVE SERVICES**

## **6.4. GOVERNANCE**

### **6.4.1. Revocation of Reserve Land - Lots 15, 16, 17 and 18 on Crown Plan C2028 - Nelson Street, Clare**

#### **Executive Summary**

Council at its workshop held on 17 September 2024 agreed that it has no further need for Reserve Land at Lots 15, 16, 17 and 18 on Crown Plan C2028 (13, 15, 17 and 19 Nelson Street, Clare) 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 Reserve Land at Lots 15, 16, 17 and 18 on Crown Plan C2028 (13, 15, 17 and 19 Nelson Street, Clare).

#### **Resolution**

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

CARRIED

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#### **6.4.2. Regional Airports Program - Round 4**

##### **Executive Summary**

This report seeks Council's endorsement of a funding submission to the Federal Government's Regional Airports Program - Round 4 for a project to reseal the Ayr Aerodrome Runway, including ACR-PCR Pavement Strength Rating Report.

##### **Recommendation**

That Council:

1. endorses the submission of a funding application to the Federal Government's Regional Airports Program - Round 4 to reseal the Ayr Aerodrome, and ACR-PCR Pavement Strength Rating Report at a total cost of approximately \$561,734.00, and
2. notes that if the funding application is successful then Council's financial commitment towards the project of approximately \$280,867.00 (50%) will be financed from the 2025/26 budget.

##### **Resolution**

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

CARRIED

#### **6.4.3. Consolidation of Audit and Risk Committees**

##### **Executive Summary**

This reports seeks Council's approval to combine the existing Audit Committee and Risk Committee into a single, unified committee. The proposal follows a request from the newly appointed Chief Executive Officer and is aligned with best practices adopted by many other Local Governments. Council currently has an Audit Committee and a Risk Committee which have been established separately and operate under separate adopted charters.

Consolidating these two (2) committees will streamline governance, improve efficiency, and strengthen oversight by integrating the functions of audit and risk management. These two (2) functions are already closely aligned and the recommendation to consolidate the two (2) committees is based on the view that a combined committee will better serve the needs of the Council while fostering a more cohesive approach to managing financial, operational, and strategic risks.

##### **Recommendation**

That Council combines the two (2) separate committees to establish an integrated Audit and Risk Committee and that the Audit Committee Charter be revised and updated to reflect this change.

##### **Resolution**

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

CARRIED

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#### **6.4.4. Operational Plan Q1 Report**

##### **Executive Summary**

Council is required to adopt an annual operational plan that aligns with the adopted budget and the adopted corporate plan. The operational plan supports the achievement of the objectives of the corporate plan through the delivery of operational activities. The Chief Executive Officer is required to provide Council with a report outlining the implementation and progress towards achieving the annual operational plan at intervals no greater than 3 months. The Operational Plan Q1 report provides an accurate assessment of the progress achieved during the Q1 period- 1 July 2024 - 30 September 2024. At the end of the Q1 period 79% of Council's operational activities were considered to be meeting or above target. This is slightly lower than the same time last year with 87% of activities meeting or above target this is most likely due to a number of vacancies in key positions. It is expected that this will improve during the Q2 period as these key vacancies have been filled.

##### **Recommendation**

That Council adopts the Operational Plan Q1 report as attached to this report.

##### **Resolution**

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

CARRIED

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

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

### **7.2. OPERATIONS**

#### **7.2.1. Adoption of Tree Management Policy**

##### **Executive Summary**

Council's Tree Management Policy was last adopted by Council on 10 August 2021. The policy has now been reviewed and updated for consideration of Council.

This policy provides the operational framework for the management and maintenance of trees within the shire to reduce future liability and maintenance costs to Council, reduce the risks of injury to people and damage to property and improve the natural local amenity.

This policy relates to management of trees located on privately owned land, Council owned and controlled land including but not limited to parks, footpaths and reserves that may be interfering with or threatening to interfere with privately owned or Council owned assets.

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## **Recommendation**

That Council adopts the Tree Management Policy as attached to this report.

## **Resolution**

Moved Councillor Detenon, seconded Councillor Vasta that the recommendation be adopted noting additional information to the policy which will read as follows;  
Council Officers will require a State Government Vegetation Management Report where applicable to ensure compliance with the Regulated Vegetation Management Map, regional ecosystems, essential habitat, wetland and high-value regrowth state mapping requirements.

CARRIED

*9.49am - Mr. Saldumbide left the meeting.*

*9.51am - Mrs. Galletta entered the meeting.*

*9.55am - Mrs. Galletta left the meeting.*

*9.56am - Mrs. Galletta entered the meeting.*

## **7.3. PLANNING AND DEVELOPMENT**

## **7.4. TECHNICAL SERVICES**

## **8. NOTICE OF MOTION**

## **9. RECEIPT OF PETITIONS**

### **Christmas Tree Petition**

Moved Councillor Hall, seconded Councillor Furnell that Council had received a petition which was in objection to Council relocating the position of the Christmas tree from the Queen street roundabout to the Burdekin Theatre forecourt.

CARRIED

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## **10. CORRESPONDENCE FOR INFORMATION**

## **11. GENERAL BUSINESS**

### **Recommendation**

That Council formulate and implement a policy outlining provisions for sick leave and annual leave for Councillors.

### **Resolution**

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

CARRIED

## **12. CLOSED BUSINESS ITEMS**

*10.05 - Councillor Hall left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 12.1 Finalisation of Enforcement Action Non Compliance with Conditions of Development Approval.*

***Council Meeting closed to Public under Section 254J(3) of Local Government Regulation 2012.***

### **Resolution**

Moved Councillor Oar, seconded Councillor Musumeci that the Council meeting be closed to the public under the following sections of the *Local Government Regulation 2012*:

254J(3) (e) legal advice obtained by the Local Government or legal proceedings involving the Local Government including, for example, legal proceedings that may be taken by or against the Local Government:

For the purpose of discussing:

1. Legal Advice - Finalisation of Enforcement Action Non Compliance with Conditions of Development Approval.

CARRIED

**Council Meeting opened to Public.**

Moved Councillor Musumeci, seconded Councillor Oar that the Council Meeting be opened to the public.

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**12.1. CONFIDENTIAL - Finalisation of Enforcement Action Non Compliance with Conditions of Development Approval - Bulk Store and General Industry (Bulk Landscaping Supplies) located at 2-8 Railway Street, Ayr (Lot 15 on RP817086)**

**Executive Summary**

This report is CONFIDENTIAL in accordance with Section 254J(3) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following: -

*(e) legal advice obtained by the Local Government or legal proceedings involving the Local Government including, for example, legal proceedings that may be taken by or against the Local Government*

The purpose of this report is to provide legal advice for Council's information regarding finalisation of the enforcement action undertaken with respect to the:

1. Negotiated approval granted to applicant/occupier Johnson's Landscaping and Earthmoving Pty Ltd on 22 August 2023 to undertake a Bulk Store and General Industry (Bulk Landscaping Supplies) use located at 2-8 Railway Street, Ayr (Lot 15 on RP817086); and
2. Enforcement action commenced on 6 August 2024 where Burdekin Shire Council reasonably believed that the applicant/occupier and owners had committed, or were committing, a development offence contrary to section 164 of the *Planning Act 2016* (Qld) (Planning Act) in relation to the Premises, where Section 164 of the Planning Act states:

*... "164 Compliance with development approval: A person must not contravene development approval. Maximum penalty—4,500 penalty units."...*

**Recommendation**

That Council notes the content of this report and the legal advice received from MacDonnell's Law outlining suggested scope and timing of Officer actions with respect to finalising the Enforcement Notice (EN) issued on 6 August 2024 to the applicant/operator, Johnson's Landscaping and Earthmoving Pty Ltd (and property owners) for contravening a development permit given for a Bulk Store and General Industry (Bulk Landscaping Supplies) use on land located at 2-8 Railway Street, Ayr, formally described as Lot 15 on RP817086.

**Resolution**

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

CARRIED

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### **13. DELEGATION**

There being no further business the meeting closed at 10.16am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 26 November 2024.**

**MAYOR**

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