



Burdekin Shire Council

AGENDA

ORDINARY COUNCIL MEETING

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

on 11 March 2025

COMMENCING AT 9:00 AM

At this meeting contributions made by members of the public may be recorded by way of audio recording which will be used for the purpose of developing minutes of the meeting and decision making of Council. Burdekin Shire Council is bound by the *Information Privacy Act 2009* to protect the privacy of personal information.

Under Local Law 1 Section 35(3) a person must not make an audio or video recording of a local government meeting, a standing committee meeting, a special committee meeting or an advisory committee meeting unless the chairperson at the meeting gives consent in writing to the recording of the meeting.

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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 - 25 February 2025

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. Appointment of Independent Professional Member and Independent Community Member to Audit and Risk Committee

6.4.2. Review of Advertising Spending Policy

6.4.3. Disaster Ready Fund - Round 3

6.4.4. Delegation of Powers to the Chief Executive Officer - Lay on the Table

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.2. OPERATIONS

7.2.1. Contract for Services DRFA 2025 Natural Disaster Flood Event

7.3. PLANNING AND DEVELOPMENT

7.4. TECHNICAL SERVICES

7.4.1. Review of Erection of Structures Over or Adjacent to Sewers or Water Mains Policy

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. COUNCILLOR REPORTS

12. GENERAL BUSINESS

13. CLOSED BUSINESS ITEMS

14. DELEGATION

4.1. MINUTES AND BUSINESS ARISING

Ordinary Council Meeting Minutes - 25 February 2025

Recommendation

That the minutes of the Ordinary Council Meeting held on 25 February 2025 be received as a true and correct record.

Attachments

1. Minutes - Ordinary Council Meeting - 25 February 2025



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 25 February 2025

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

ATTENDANCE

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

Mrs. K. Olsen – Director Corporate and Community Services
Mr. J. Stewart - Director Infrastructure, Planning and Environmental Services
Mr. K. Byers - Manager Technical Services (Part)
Mrs. K. Galletta - Manager Planning and Development (Part)
Mrs. J. Manganaro - Manager Financial and Administrative Services (Part)
Ms. F. Smith - Financial Accountant Reporting (Part)

Apologies - Mr. M. Magin - Chief Executive Officer

Minutes Clerk - Ms. G. Biffanti

2. PRAYER

The meeting prayer was delivered by Reverend Malia Ma'u of 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 - 11 February 2025

Recommendation

That the minutes of the Ordinary Council Meeting held on 11 February 2025 be received as a true and correct record.

Resolution

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

CARRIED

4.2. Audit and Risk Committee Meeting Minutes - 5 February 2025

Executive Summary

This report provides the Minutes of the Audit and Risk Committee Meeting held on 5 February 2025.

Recommendation

Item 3 Minutes from the previous Audit Committee Meeting

That the minutes from the previous meeting be formally adopted.

Item 5.1 QAO Briefing Report

That the Committee note the QAO Briefing report.

Item 5.2 Consider need for closed session briefing with Crowe/QAO

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

Item 6.1 Confirmation of Internal Audit Charter

That the Committee accept the Internal Audit Charter with marked changes.

Item 6.2 Endorsement of Internal Audit Plan

That the Committee endorse the Internal Audit Plan.

Item 6.3, 6.4 Internal Audit Report and Planning and Development Review

That the committee accept the Internal Audit Report and Planning and Development Review noting the review to be presented to Council to discuss.

Item 7.1 Enterprise Risk Management Framework and Risk Appetite and Tolerance update

That the Committee recommend the Enterprise Risk Management Framework and Risk Appetite and Tolerance be forwarded to Senior Leadership Group for review.

Item 8.1 Cyber-Security Update

That the Committee accept the Cyber-Security Update report with the due dates to be revised for the next meeting.

Item 9.1 Results of Self-Assessment – Audit Committee Performance

That the Committee accept the Results of Self-Assessment - Audit Committee Performance.

Item 9.2 – Review/confirm Audit and Risk Committee Charter

That the Committee accept the updated Audit and Risk Committee Charter for now, with additional education to be provided in future meetings.

Item 10.2 Adoption of 2025 Schedule of Dates and Agenda Items

That the Committee endorse the 2025 Audit and Risk Committee Schedule Dates and Agenda Items.

That:

1. the minutes of the Audit and Risk Committee meeting held on 5 February 2025 be noted; and
2. the recommendations as detailed in the minutes and summarised in Items 3 to 10.2 above be adopted.

Resolution

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

CARRIED

5. EXECUTIVE

5.1. CEO

5.1.1. Council Attendance at the Local Government Association of Queensland Civic Leaders Summit - 12 to 13 March 2025 - Brisbane

Executive Summary

An invitation to attend the Local Government Association of Queensland (LGAQ) Civic Leaders Summit has been received by the Mayor and Chief Executive Officer. The Civic Leaders Summit is being held in Brisbane from 12 to 13 March 2025, with a separate Mayoral Networking Event at Parliament House in Brisbane on 11 March 2025.

Recommendation

Council endorses the Mayor Pierina Dalle Cort and Chief Executive Officer Matthew Magin attend the Local Government Association of Queensland (LGAQ) Civic Leaders Summit in Brisbane from 12 to 13 March 2025, as well as the Mayoral Networking Event at Parliament House on 11 March, with all expenses of attendance at the Summit to be met by Council.

Resolution

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

FOR - Councillors Pierina Dalle Cort, Michael Detenon, John Furnell, Amanda Hall, Max Musumeci, Fina Vasta

AGAINST - Councillor Callan Oar

6/1

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. Monthly Financial Report - January 2025

Recommendation

That the Monthly Financial Report for Period Ending 31 January 2025 be received.

Resolution

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

CARRIED

9.19am - Mrs. Galletta entered the meeting.

9.21am - Mrs. Manganaro and Ms. Smith left the meeting.

6.4. GOVERNANCE

6.4.1. Delegation of Powers to the Chief Executive Officer

Executive Summary

Council has many powers and duties which are governed by legislation, however, in the interest of efficiency, these decision-making powers and duties can be delegated by Council to the Chief Executive Officer (CEO). The Chief Executive Officer may then further sub-delegate certain powers to specified staff in the organisation as considered appropriate.

Delegation and sub-delegation processes ensure that employees are provided with the legal authority to undertake various duties and exercise powers in accordance with legislation. They promote accountability and are considered a proactive risk management tool.

The *Local Government Act 2009* ('the Act') requires Councils to review delegations to the CEO annually. Through King and Company Solicitors, the Local Government Association of Queensland ('LGAQ') has developed a complete list of all delegations under State legislation which can be delegated to Local Government Chief Executive Officer's.

LGAQ has provided an update to the Delegations Register Service with details of reprints, and new registers which include:

- *Coexistence Queensland Act 2013*
- *Regional Planning Interests Act 2014*
- *State Emergency Service Act 2024*

Approval is sought by Council to delegate powers to the Chief Executive Officer and include

these new registers in Council's 'Register of Delegations - Council to Chief Executive Officer' as shown in attachment 1.

Recommendation

That, pursuant to section 257 of the *Local Government Act 2009*, all powers referred to in the 'Register of Delegations - Council to Chief Executive Officer' as shown in attachment 1, are delegated by Council to the Chief Executive Officer.

Motion

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

Procedural Motion

Moved Councillor Hall, seconded Councillor Vasta, that the item lay on the table for further information to be provided, prior to the matter being formally considered again at the next Ordinary Council Meeting.

CARRIED

9.23am - Mr. Byers entered the meeting.

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.2. OPERATIONS

7.3. PLANNING AND DEVELOPMENT

7.3.1. Development Application for a Development Permit for Reconfiguring a lot – One (1) lot into Two (2) lots at 512 Hurney Road, Osborne (Lot 233 on SB107)

Executive Summary

This report to Council deals with a development application lodged by Milford Planning on behalf of applicant, Dino Codega for a lot reconfiguration, being a one lot (1) into two (2) lots subdivision of rural zoned land described as Lot 233 on SB107, and located at 512 Hurney Road, Osborne.

Recommendation

That Council approve the development application seeking a Development Permit for Reconfiguring a Lot (one (1) lot into two (2) lots) of land located at 512 Hurney Road, Osborne, and described as Lot 233 on SB107, 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	Prepared by	Date
Proposed Lots 512 and 513, cancelling Lot 233 on SB107	M2350-SK-01 Issue A Sheet 1/2	Milford Planning	12 September 2024
Proposed Lots 512 and 513, cancelling Lot 233 on SB107	M2350-SK-01 Issue B Sheet 2/2	Milford Planning	4 November 2024
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. Services and Infrastructure Provision <u>Confirmation of Existing Services</u> 4.1 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. Access and Roadworks <u>Roadworks</u> 5.1 The construction of any additional crossovers to give access to the land is the owner's responsibility.			
To provide appropriate access in accordance with relevant code/s and policy direction.			
Prior to: (i) the issuance of a Development Permit			

Condition	Reason	Timing
5.2 An application must be made to and approved by Council before the construction of any additional access crossovers. 5.3 Approved crossovers must be constructed in accordance with requirements of the approval to the satisfaction of Council.		for: (i) Building Works or Operational Works; or (ii) the release of the Plan of Survey, whichever occurs first.
Infrastructure		
6. Stormwater 6.1 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. 6.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.	To ensure that stormwater does not adversely affect surrounding properties or properties downstream from the development.	At all times

Advice

1. Infrastructure Charges An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.
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 rise to any claim by a third party the applicant agrees to indemnify and save the council harmless in respect of any claim so arising.
4. Future Development and Mitigation of Flood Hazard 4.1 Development which occurs in areas subject to a flood hazard ensures new buildings or extensions are designed to remain structurally sound during the defined flood event. 4.2 Any future on-site sewerage treatment and disposal on the proposed lots must be in accordance with the On-Site Sewerage Code and AS/NZS 1547:2000. 4.3 Any new lots created provide for a building envelope to accommodate a dwelling house with floor levels above the defined flood level. 4.4 Any development application for building works which includes habitable rooms may have to include a 1% AEP Flood Certificate. N.B. this applies in Localised and River Flood areas as identified in Burdekin Shire Councils mapping. 4.5 Development does not change inundation characteristics outside the subject site in ways that would: (a) result in loss of flood storage or loss of, or changes to, flow paths; (b) adversely change the depth or behaviour of the hazard; or (c) reduce warning times; or (d) increase the duration of the hazard.
5. 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.
6. 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> .
7. 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.
8. Reticulated Water Infrastructure The proposed lots are unable to be connected to Council's reticulated water supply.
9. Miscellaneous 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 Aboriginal Cultural Heritage Act 2003 and 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 .

Resolution

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

CARRIED

7.3.2. Development Application for a Development Permit for Reconfiguring a Lot – Boundary Realignment (2 Lots into 2 Lots) at 342 School Road and 348 McDonald Road, Clare (Lot 229 and Lot 103 on GS811)

Executive Summary

This report to Council deals with a development application lodged by BNC Planning on behalf of applicant, C and R Marino, for a lot reconfiguration, being a boundary realignment of the existing common boundary of two (2) lots located at 342 School Road and 348 McDonald Road, Clare, on land described as Lot 229 and Lot 103 on GS811.

Recommendation

That Council approve the development application seeking a Development Permit for Reconfiguring a Lot – Boundary Realignment (Two (2) Lots into Two (2) Lots) at 342 School Road and 348 McDonald Road, Clare, on land described as Lot 229 and Lot 103 on GS811, 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 – Lots 103 & 229	Plan No: P24-358_001.dwg	21 October 2024
Cancelling Lots 103 & 229 on GS811	Prepared by Atkinson Surveys	
3. Payment of Rates, Charges and Expenses		
3.1 Prior to signing the Plan of Survey, payment of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land is required.	Confirmation to be provided to Council prior to the release of the Plan of Survey.	
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.		
Access and Roadworks		
4. Roadworks	To provide appropriate access in accordance with relevant code/s and policy direction.	At all times.
4.1 The construction of any additional crossovers to give access to the land is the owner's responsibility.		
4.2 An application must be made to and approved by Council before the construction of any additional access crossovers.		
4.3 Approved crossovers must be constructed in accordance with requirements of the approval to the satisfaction of Council.		
Infrastructure		
5. Stormwater	To ensure that stormwater does not adversely affect surrounding properties or properties downstream from the development.	At all times
5.1 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.		
5.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		

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 materials 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 Aboriginal Cultural Heritage Act, 2003 and 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.
8. Future Development and Mitigation of Flood Hazard 8.1 Development which occurs in areas subject to a flood hazard ensures new buildings or extensions are designed to remain structurally sound during the defined flood event. 8.2 Any future on-site sewerage treatment and disposal on the proposed lots must be in accordance with the On-Site Sewerage Code and AS/NZS 1547:2000.
8.3 Any new lots created provide for a building envelope to accommodate a dwelling house with floor levels above the defined flood level. 8.4 Any development application for building works which includes habitable rooms may have to include a 1% AEP Flood Certificate. N.B. this applies in Localised and River Flood areas as identified in Burdekin Shire Councils mapping. 8.5 Development does not change inundation characteristics outside the subject site in ways that would: (a) result in loss of flood storage or loss of, or changes to, flow paths; (b) adversely change the depth or behaviour of the hazard; or (c) reduce warning times; or (d) increase the duration of the hazard. 8.1

Resolution

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

CARRIED

9.32am - Mrs. Galletta left the meeting.

7.4. TECHNICAL SERVICES

7.4.1. QBSC/24/045 Supply and Delivery of One (1) 4WD Tractor with Slasher Implement

Executive Summary

This report to Council is with regards to the procurement of a 4WD tractor with a slasher implement under quotation QBSC/24/045. While the purchase is expected to remain below the \$200,000.00 threshold set by the *Local Government Regulation Queensland 2012*, total purchases from the selected supplier may exceed this limit for the financial year.

Recommendation

That Council award QBSC/24/045 Supply and delivery of one (1) 4WD Tractor with slasher implement and is pursuant to Local Buy Contract LB282 Tractors, Mowers & General Powered Equipment to Prequalified Supplier, The Brown and Hurley Group Pty Ltd (Brown and Hurley Ag Ayr) for one (1) New Holland Tractor T5.110S with Howard EHD180 Slasher for a total of \$122,727.27 excluding GST.

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 related to the execution of Contract QBSC/24/045 – Supply and delivery of one (1) 4WD Tractor with slasher implement.

Resolution

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

CARRIED

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. COUNCILLOR REPORTS

11.1. Councillor Reports for January 2025

Recommendation

That Council notes the January 2025 monthly reports.

Resolution

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

CARRIED

11.2. Amended Councillor Reports for December 2024**Recommendation**

That Council notes the amended December 2024 monthly reports.

Resolution

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

CARRIED

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

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

Resolution

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

254J (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

For the purpose of discussing:

1. Light Vehicle Acquisitions 2024/2025

CARRIED

Council Meeting opened to Public.

Moved Councillor Hall, seconded Councillor Detenon that the Council meeting be opened to the public.

CARRIED

13.1. Confidential Report - Light Vehicles Acquisition 2024/2025

Executive Summary

This report is in regards to the purchase of these ten (10) light vehicles for the 2024/2025 year were called in two quotations: TBSC/24/021 – Supply and delivery of nine (9) Isuzu Dmax Utilities (QFLEET PSA QF2023-01) fitted with vehicle accessories; and QBSC/25/007 Supply and delivery of one (1) Toyota RAV4 GX Hybrid (QFLEET PSA QF2023-01) fitted with vehicle accessories. The quotations closed on Wednesday 29 January 2025 with responses received from the two suppliers consisting of quotations for ten (10) light vehicle options.

The vehicles listed in QFleet PSA QF2023-01 available from Burdekin vehicle dealerships were assessed using a multi-criteria weighting method.

Recommendation

That Council:

Award the supply and delivery of ten (10) light vehicles pursuant to QFLEET's Preferred Supplier Arrangement (PSA) QF2023-01 – Acquisition of Motor Vehicles for a total combined value of \$397,530.03 excluding GST for:

1. TBSC/24/021 Supply and delivery of nine (9) Isuzu Dmax Utilities to Burdekin Motors Pty Ltd that consists of:
 - 3 x Isuzu Dmax SX MY24 - 2WD Single Cab
 - 1 x Isuzu Dmax SX MY24 - 2WD Dual Cab
 - 2 x Isuzu Dmax SX MY24 - 4WD Single Cab
 - 3 x Isuzu Dmax SX MY24 - 4WD Dual Cab
2. QBSC/25/007 Supply and delivery of one (1) Toyota RAV4 GX Hybrid to Don West Motors Pty Ltd (Don West Toyota) for:
 - 1 x 2025 Toyota RAV4 GX Hybrid - 2WD.

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 related to the execution of Contract TBSC/24/021 – Supply and delivery of nine (9) Isuzu Dmax Utilities (QFLEET PSA QF2023-01) fitted with vehicle accessories; and Contract QBSC/25/007 Supply and delivery of one (1) Toyota RAV4 GX Hybrid (QFLEET PSA QF2023-01) fitted with vehicle accessories.

Resolution

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

CARRIED

14. DELEGATION

There being no further business the meeting closed at 9.50am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 11 March 2025.

MAYOR

6.4.1. GOVERNANCE

Appointment of Independent Professional Member and Independent Community Member to Audit and Risk Committee

File Reference: 388

Report Author: Rebecca Stockdale, Senior Governance Officer

Authoriser: Matthew Magin, Chief Executive Officer

Meeting Date: 11 March 2025

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.

Executive Summary

This report seeks Council's endorsement to appoint a new Independent Community Member to the Audit and Risk Committee and to appoint the person previously appointed as the Independent Community Member as the Independent Professional Member of the Audit and Risk Committee.

Recommendation

That Council appoints Mr. Matthew Oar as the Independent Community Member, and Mr. Damien Arboit as the Independent Professional Member of the Audit and Risk Committee for a 4-year tenure.

Background

Council's Audit and Risk Committee composition includes two (2) appointed Councillors and three (3) independent members. The adopted Audit and Risk Committee Charter includes provisions for the tenure of each of the independent members to allow for a level of continuity in the knowledge and experience of the members. The tenure of the previous Independent Professional Member, Mr. Jim Fahey ended in February and Council called for expressions of interest to fill the vacancy. Only one application was received, and an assessment of the application was undertaken.

The assessment of this application was independently undertaken by the Director Corporate and Community Services, the Independent Chairperson of the Audit and Risk Committee and Council's Senior Governance Officer. Following the assessment it was determined that the applicant's experience and qualifications would be better suited to the Independent Community Member role. Council have only recently filled the vacancy of Independent Community Member of the Audit and Risk Committee, resolving in January to appoint Mr. Damien Arboit. Mr. Arboit has significant experience and relevant qualifications in Accounting and Finance, making him better suited to the position of Independent Professional Member.

Subsequently, discussions were held with all stakeholders, including Mr. Arboit and Mr. Oar. All parties have indicated their agreement of the assessment and support of the proposed appointments.

Consultation

The Independent Chairperson of the Audit and Risk Committee was consulted in relation to the suitability of the applicant for the Independent Professional Member position. The Chief Executive Officer and Director Corporate and Community Services were also consulted. Both the applicant, Mr. Oar, and the current Independent Community Member, Mr. Arboit, were also consulted in relation to the proposal.

Budget & Resource Implications

The Independent Community Member and Independent Professional Member are paid a meeting attendance fee for each meeting they attend. This fee includes preparation for and attendance at each meeting. This expense has already been included in the annual budget. The Independent Community Member and Independent Professional Member are both paid the same set fee for meeting preparation and attendance.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

It is important to ensure that the Audit and Risk Committee maintains the necessary skills and experience to effectively fulfill its oversight and assurance responsibilities. While the sole applicant, Mr. Oar, demonstrated relevant experience in governance and community service, his financial expertise was not deemed sufficient to meet the requirements for the role of Independent Professional Member. Appointing the current Independent Community Member, Mr. Arboit, who holds significant qualifications and experience in accounting and finance, into the position of Independent Professional Member, mitigates the risk of inadequate financial knowledge on the Committee. The proposed appointments will ensure the Audit and Risk Committee retains a balanced mix of skills across risk management, compliance and financial management.

Attachments

None

6.4.2. GOVERNANCE

Review of Advertising Spending Policy

File Reference: 1187

Report Author: Marina Power, Media and Communications Officer

Authoriser: Matthew Magin, Chief Executive Officer

Meeting Date: 11 March 2025

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 2024-2025

CG5 Manage Council's Corporate Policy Program.

Executive Summary

Council is required to adopt an Advertising Spending Policy to comply with the *Local Government Regulation 2012*. This policy forms part of Council's Financial Management Systems and provides guidance on appropriate expenditure for advertising by Council.

Recommendation

That Council adopts the Advertising Spending Policy as attached to this report.

Background

The Advertising Spending Policy applies to all paid advertisements in any media to promote goods or services (including facilities) provided by Council. The policy applies to newspaper, electronic, internet and social media advertising. As a statutory policy, the Advertising Spending Policy defines both permissible and prohibited advertising expenditures. In particular, the policy outlines Council's commitment to ensuring that advertising is in the public interest and not aimed at promoting a single Councillor or a group of Councillors.

Consultation

The policy was reviewed with Senior Leadership Group on Friday, 24 January 2025 and at a Council Workshop held on Tuesday, 4 March 2025.

Budget & Resource Implications

All advertising expenditure must be in accordance with Council's adopted budget.

Legal Authority & Implications

This policy has been developed in compliance with requirements of the *Local Government Regulation 2012*:

Section 164 Requirement to keep record of particular matters

(2) The local government must keep, with the record, a copy of each of the following -

- a. its community grants policy;*
- b. its entertainment and hospitality policy;*

- c. *its advertising spending policy;*
- d. *its procurement policy.*

Section 197 Advertising Spending

*(1) A local government must prepare and adopt a policy about the local government's spending on advertising (an **advertising spending policy**).*

(2) A local government may spend money on advertising only-

- a. *if-*
 - i. *the advertising is to provide information or education to the public; and*
 - ii. *the information or education is provided in the public interest; and*
 - iii. *in a way that is consistent with the local government's advertising spending policy*

*(3) **Advertising** is promoting, for the payment of a fee, an idea, goods or services to the public.*

Policy Implications

This policy will replace the existing Advertising Spending Policy and will be updated in Council's policy register.

Risk Implications (Strategic, Operational, Project Risks)

Adoption of this policy helps to mitigate risks of non-compliance with legislation and also may assist with mitigating the risk of inappropriate expenditure on advertising that is not in the public interest.

Attachments

- 1. Advertising Spending Policy

Policy Type	Statutory
Function	Financial Management
Policy Owner	Chief Executive Officer
Policy Contact	Chief Executive Officer
Effective Date	14 February 2023

Purpose

The purpose of this policy is to provide for the control of expenditure on advertisements placed by Council in various media.

Scope

This policy applies to any paid advertisement or notice in any media to promote goods or services (including facilities) provided by the Council. The policy also applies to electronic advertising including the use of the internet and any social media platforms. This Policy applies to all Burdekin Shire Council employees.

Exceptions

This policy does not apply to reports published in media where no payment is made for the report. This policy does not apply to Council's social media posts where no money is paid to promote the post.

Principles

Advertising expenditure must only occur where the purposes of the Council or the benefit of the community is advanced. It must not be used to promote the particular achievements or plans of particular Councillors or groups of Councillors. In particular, advertising should not be used to influence the voters in an election.

Policy Statement

Council may incur expenditure for advertising only if:

- the advertising is for providing information or education to the public; and
- the information or education is provided in the public interests; and
- the advertising falls into one of the categories outlined below.

Acceptable advertising expenditure includes:

- to advise the public of a new or continuing service or facility provided by Council;
- to advise the public about changes to an existing service or facility provided by Council;
- to advise the public of severe weather events and emergency situations;
- to increase the public awareness about initiatives and activities contained in the Annual Budget;
- to increase public uptake or use of a Council provided program, facility or service;
- to inform and educate the public about the activities, operations and financial position of Council;
- to change the behaviours of people in Council's Local Government Area (LGA) for the benefit of all or some of the community to achieve the objectives of Council;
- to advise the public of the decisions made by Council at its meetings;
- to request comment on proposed policies or activities of Council;
- to advertise matters required by legislation to be advertised; or

- where the advertisement facilitates the administration of Council including to recruit staff, acquire or dispose of property, plant or equipment or to promote requests for tenders or seek expressions of interest.
- where advertising involves partnerships or sponsorships, Council must ensure the content aligns with its values and objectives and that the advertising complies with this policy.

The Council must not:

During the caretaker period immediately before a Local Government election:

- place advertisements relating to future plans unless and only to the extent that those plans have been formally adopted by the Council;
- advertise the activities of the Council other than in the manner and form it is customary for the Council to advertise activities;
- place advertisements which seek to influence support for particular candidates, or groups of candidates in the election.
- advertise content that could be perceived as politically biased or promotional of a particular political viewpoint.

Bear the cost of advertisements featuring one or more Councillors or containing quotations attributed to individual Councillors. (Note: this does not preclude Councillors appearing in unpaid publicity or other publicity where the cost is not borne by the Council).

Advertising expenditure must be within budget and approved by an officer with the appropriate financial delegation.

Any expenditure on paid social media posts must be authorised in accordance with Council's financial delegation and must comply with this policy's principles and guidelines.

Any advertising expenditure related to grant funding or a grant-funded project must acknowledge the relevant funding bodies.

Risk Management

Inappropriate expenditure, or expenditure that is not in the public interest is a risk which has been identified by Council. This policy is one mitigation measure to reduce the risk of inappropriate expenditure on advertising by Council. Council is commitment to transparency and accountability and this policy ensures that all expenditure on advertising of all kinds is conducted in a transparent and accountable way. By detailing prohibited advertising expenditure Council removes the risk that public funds could be used for improper advertising purposes.

Legislation

Section 197 of the *Local Government Regulation 2012* requires Council to prepare and adopt a policy about the Local Government's spending on advertising.

Related Documents

Reference Number	Document Title
MED-POL-0005	Media Policy
MED-POL-0004	Social Media Policy
FIN-POL-0017	Procurement Policy

Document History and Version Control

Title of Document	Advertising Spending Policy
Document Reference Number	FIN-POL-0013 Rev
Review Schedule	24 months
Council Meeting Date	14 February 2023
Council Resolution Number	1739656

6.4.3. GOVERNANCE

Disaster Ready Fund - Round 3

File Reference: 2685

Report Author: Janice Horan, Grants and Property Officer

Authoriser: Matthew Magin, Chief Executive Officer

Meeting Date: 11 March 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

3.4.5: Protect and improve the resilience of assets by utilising betterment programs and implementing flood and disaster mitigation strategies.

Executive Summary

This report seeks Council's endorsement of funding submissions to the Australian Government's Disaster Ready Fund - Round 3 for two (2) projects:

1. Undertake drainage upgrade and installation of additional drainage infrastructure in the South Ayr Drainage Scheme; and
2. Install underground fibre optic network link between Council's new Ayr Water Supply Filtration Plant and Council's existing communications network infrastructure.

Recommendation

That Council:

1. endorses the submission of funding applications to the Australian Government's Disaster Ready Fund - Round 3 for the South Ayr Drainage Scheme upgrade and installation of additional drainage infrastructure (Estimated cost - \$1,500,000.00); and
2. installation of underground fibre optic network link between Council's new Ayr Water Supply Filtration Plant and Council's existing communications network infrastructure (Estimated cost - \$480,000.00)
3. notes Council's 50 percent financial commitment towards the projects.

Background

Advice was recently received inviting submission of funding applications to the Disaster Ready Fund - Round 3. The amount of subsidy is 50 percent of total eligible project costs. The objectives of the program are to "increase the understanding of natural disaster impacts, as a first step towards reducing the risk of future natural disaster impacts; increase the resilience, adaptive capacity and/or preparedness of governments, community service organisations and affected communities to future natural disasters to minimise the potential impact of natural hazards and reduce the risk of future natural disasters; and reduce the exposure to risk, harm and/or severity of a future natural disaster's impacts, including reducing the recovery burden for governments, cohorts at disproportionate risk, and/or affected communities."

The upgrade of the South Ayr Drainage Scheme, including installation of additional drainage infrastructure is considered important to capture stormwater flows and more effectively discharge these, thus reducing flooding risks on the otherwise subjected properties. The road conditions on the Heavy Vehicle By-pass will also improve as improved drainage infrastructure will capture run-off, thus negating overflows onto the roadway. Improved drainage infrastructure will improve access to and egress from the Ayr Transfer Station. During rainfall events it has been necessary to close access to this facility.

Installation of an underground fibre optic link between Council's new Ayr Water Supply Filtration Plant and

Council's existing communications network infrastructure will ensure continuity and visibility of control systems on-site. The Filtration Plant will provide potable water to the townships of Ayr, Brandon and Alva and ensures resilience during and after disaster events.

Consultation

Discussions between staff and elected members at Council Workshop on 4 March 2025.

Budget & Resource Implications

If the funding applications are successful, budget allocations of approximately \$990,000.00 will be required in the current and future budgets.

Legal Authority & Implications

It may be necessary to seek drainage easements for the South Ayr Drainage Scheme project. Document preparation would incur a cost to Council.

Investigations will need to be undertaken in relation to the need to under bore at the Queensland Rail interface and seek Wayleave approval to complete the fibre optic project.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

South Ayr Drainage Scheme Project: This area of South Ayr has been subject to regular property inundation during heavy rainfall events. Improvement in drainage will ensure that the future risk of inundation is minimised and ensure that property owners are not subjected to insurance costs increases.

Underground Fibre Optic Network Link: The main impact of not installing an underground fibre optic network link between the new Ayr Water Supply Filtration Plan and Council's existing communications network infrastructure is the loss of visibility and removal of the opportunity to operate remotely in a weather event. This has the potential to impact Council's ability to maintain water supply throughout a natural disaster.

Attachments

None

6.4.4. GOVERNANCE

Delegation of Powers to the Chief Executive Officer - Lay on the Table

File Reference: 405

Report Author: Jodie Ordorica, Governance Support Officer

Authoriser: Matthew Magin, Chief Executive Officer

Meeting Date: 11 March 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2024-2025

CG11 Actively review and update of Council's Delegations Register.

Executive Summary

This matter was laid on the table from the previous Ordinary Council Meeting.

Council has many powers and duties which are governed by legislation, however, in the interest of efficiency, these decision-making powers and duties can be delegated by Council to the Chief Executive Officer (CEO). The Chief Executive Officer may then further sub-delegate certain powers to specified staff in the organisation as considered appropriate.

Delegation and sub-delegation processes ensure that employees are provided with the legal authority to undertake various duties and exercise powers in accordance with legislation. They promote accountability and are considered a proactive risk management tool.

The *Local Government Act 2009* ('the Act') requires Councils to review delegations to the CEO annually. Through King and Company Solicitors, the Local Government Association of Queensland ('LGAQ') has developed a complete list of all delegations under State legislation which can be delegated to Local Government Chief Executive Officer's.

LGAQ has provided an update to the Delegations Register Service with details of reprints, and new registers which include:

- *Coexistence Queensland Act 2013*
- *Regional Planning Interests Act 2014*
- *State Emergency Service Act 2024*

Approval is sought by Council to delegate powers to the Chief Executive Officer and include these new registers in Council's 'Register of Delegations - Council to Chief Executive Officer' as shown in attachment 1.

Recommendation

That, pursuant to section 257 of the *Local Government Act 2009*, all powers referred to in the 'Register of Delegations - Council to Chief Executive Officer' as shown in attachment 1, are delegated by Council to the Chief Executive Officer.

Background

Section 260 of the Act requires Council to maintain a delegations register, and section 305 of the *Local Government Regulation 2012* ('the Regulation') details particulars to be contained in this register.

The aim of Council's Register of Delegations is to assist with improving the time taken to make decisions within the constraints allowed by the relevant State Government legislation. Delegations are the way in which Council enables officers to make decisions and carry out duties on its behalf and provide streamlined decision-making processes for faster determination of issues.

The legislative framework to undertake delegations are as follows:

- Section 257 of the Act allows a Council to delegate a power, other than where an Act specifically states that the power must be exercised by Council resolution;
- Section 257(1)(b) of the Act provides for a power to be delegated to the Chief Executive Officer;
- Section 259 of the Act allows the Chief Executive Officer to on-delegate their powers to an appropriately qualified employee or contractor, other than where the local government specifically directs that the power not be further delegated, or it is a power to keep a register of interests.

LGAQ has recently provided an update to the Delegations Register Service with details of reprints, and new registers which include:

- *Coexistence Queensland Act 2013*
- *Regional Planning Interests Act 2014*
- *State Emergency Service Act 2024*

Approval is sought by Council to delegate powers to the Chief Executive Officer and include these new registers in Council's 'Register of Delegations - Council to Chief Executive Officer' as shown in attachment 1.

Consultation

This matter was discussed at a Council workshop on Tuesday 4 March 2025. Councillors were also provided with a copy of the full listing of all powers to be delegated to the CEO.

Council subscribes to the LGAQ delegation register service. LGAQ has, with the assistance of King and Company Solicitors, developed a complete list of all delegations under State legislation which can be delegated to local government Chief Executive Officer's.

Consultation with relevant managers and officers to determine if the new registers are required.

Budget & Resource Implications

There are no financial implications to this process. Appropriate implementation of delegations to the Chief Executive Officer ensures the efficient use of Council resources.

Legal Authority & Implications

Local Government Act 2009 (Qld) ss 257-60.

Local Government Regulation 2012 (Qld) reg 305.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

The administration of Council's responsibilities under the Act, carries with it inherent risk. Appropriate delegations form part of the risk management framework associated with these responsibilities.

Further, this process is part of Council meeting its legislative delegation requirements under the Act. It is also a major part in Council eliminating legal non-compliance issues impacting upon the legal validity and enforceability of Council decisions, or Council's ability to legally enforce or litigate breaches of the applicable acts or regulations.

Attachments

1. Register of Delegations - Council to Chief Executive Officer

Register of Delegations by the Burdekin Shire Council to the Chief Executive Officer

Delegation No.	Description of powers delegated	Resolution	Conditions and Limitations	Authority
1	To exercise all lawfully delegable powers under each of the local laws listed in Schedule 1, including any amendments thereto, and subordinate local laws made under those local laws.	Adopted: 27/09/2011 Amended: 14/02/2012 26/11/2013 09/09/2014 28/05/2024 25/02/2025	<ul style="list-style-type: none"> The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large. The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council. 	<i>Local Government Act 2009</i> (Qld) s 257.
2	To exercise all lawfully delegable powers under – <ul style="list-style-type: none"> each of the Acts listed in Schedule 2, including any amendments thereto, and regulations and other statutory instruments made under those Acts, and any other local government Acts that come into force, including any amendments thereto, and regulations and other statutory instruments made under those Acts. 	Adopted: 27/09/2011 Amended: 14/02/2012 26/11/2013 29/02/2016 13/01/2020 09/03/2021 13/07/2021 08/03/2022 28/05/2024 25/02/2025	<ul style="list-style-type: none"> The delegate will not exercise any delegated power in relation to a matter that may adversely affect Council's relations with the public at large. The delegate will not exercise any delegated power in relation to a matter that has been the subject of a resolution or other decision of Council. 	<i>Local Government Act 2009</i> (Qld) s 257.

Schedule 1 – Local Laws

Local Law No. 1 (Administration) 2012
Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2012
Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2012
Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2012
Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2012
Subordinate Local Law No. 1.5 (Keeping of Animals) 2012
Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2012
Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2012
Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2012
Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2012
Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2012
Subordinate Local Law No. 1.11 (Operation of Rental Accommodation) 2012
Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2012
Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2012
Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2012
Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2012
Subordinate Local Law No. 1.16 (Gates and Grids) 2012
Subordinate Local Law No. 1.17 (Reservation of Bathing Reserve for Training, Competition etc) 2012
Subordinate Local Law No. 1.18 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2012
Subordinate Local Law No. 1.19 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2012
Subordinate Local Law No. 1.20 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 2012
Local Law No. 2 (Animal Management) 2012
Subordinate Local Law No. 2 (Animal Management) 2012
Local Law No. 3 (Community and Environmental Management) 2012
Subordinate Local Law No. 3 (Community and Environmental Management) 2012

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012
Local Law No. 5 (Parking) 2012
Subordinate Local Law No. 5 (Parking) 2012
Local Law No. 6 (Bathing Reserves) 2012
Subordinate Local Law No. 6 (Bathing Reserves) 2012
Local Law No. 7 (Aerodromes) 2012
Local Law No. 8 (Waste Management) 2018

Schedule 2 – Legislation

Aboriginal Cultural Heritage Act 2003
Acquisition of Land Act 1967
Aged Care Act 1997 (Cth)
Animal Care and Protection Act 2001
Animal Care and Protection Regulation 2023
Animal Management (Cats and Dogs) Act 2008
Biosecurity Act 2014
Biosecurity Regulation 2016
Body Corporate and Community Management Act 1997
Body Corporate and Community Management (Accommodation Module) Regulation 2020
Body Corporate and Community Management (Commercial Module) Regulation 2020
Body Corporate and Community Management (Small Schemes Module) Regulation 2020
Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011
Body Corporate and Community Management (Standard Module) Regulation 2020
Building Act 1975
Building Fire Safety Regulation 2008
Building Regulation 2021
Coastal Protection and Management Act 1995
Coexistence Queensland Act 2013
Disaster Management Act 2003
Disaster Management Regulation 2014
Economic Development Act 2012
Electrical Safety Act 2002
Electrical Safety Regulation 2013
Electricity Act 1994
Electricity Regulation 2006
Environmental Offsets Act 2014

Environmental Offsets Regulation 2014
Environmental Protection (Water and Wetland Biodiversity) Policy 2019
Environmental Protection Act 1994
Environmental Protection Regulation 2019
Fire and Emergency Services Act 1990
Food Act 2006
Food Production (Safety) Act 2000
Heavy Vehicle (Mass, Dimension and Loading) National Regulation
Heavy Vehicle National Law (Qld)
Heavy Vehicle National Law Regulation 2014
Housing Act 2003
Housing Regulation 2015
Human Rights Act 2019
Industrial Relations Act 2016
Industrial Relations Regulation 2018
Information Privacy Act 2009
Justices Act 1886
Labour Hire Licensing Act 2017
Land Access Ombudsman Act 2017
Land Act 1994
Land Regulation 2020
Land Title Act 1994
Land Valuation Act 2010
Liquor Act 1992
Local Government Act 2009
Local Government Regulation 2012
Medicines and Poisons Act 2019
Medicines and Poisons (Pest Management Activities) Regulation 2021
Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021

Mineral and Energy Resources (Common Provisions) Act 2014
Mineral Resources Act 1989
Mining and Quarrying Safety and Health Act 1999
Mining and Quarrying Safety and Health Regulation 2017
Nature Conservation Act 1992
Nature Conservation (Animals) Regulation 2020
Nature Conservation (Plants) Regulation 2020
Nature Conservation (Protected Areas Management) Regulation 2017
Peaceful Assembly Act 1992
Petroleum and Gas (Production and Safety) Act 2004
Petroleum and Gas (Safety) Regulation 2018
Planning Act 2016
Planning Act 2016 - Development Assessment Rules
Planning and Environment Court Act 2016
Planning Regulation 2017
Plumbing and Drainage Act 2018
Plumbing and Drainage Regulation 2019
Public Health (Infection Control for Personal Appearance Services) Act 2003
Public Health Act 2005
Public Health Regulation 2018
Public Interest Disclosure Act 2010
Public Records Act 2002
Queensland Heritage Act 1992
Queensland Reconstruction Authority Act 2011
Rail Safety National Law (Queensland)
Regional Planning Interests Act 2014
Residential Services (Accreditation) Act 2002
Residential Tenancies and Rooming Accommodation Act 2008
Retail Shop Leases Act 1994

Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020

Retail Shop Leases Regulation 2016

Right to Information Act 2009

River Improvement Trust Act 1940

Safety in Recreational Water Activities Act 2011

State Emergency Service Act 2024

State Penalties Enforcement Act 1999

State Penalties Enforcement Regulation 2014

Statutory Bodies Financial Arrangements Act 1982

Stock Route Management Act 2002

Stock Route Management Regulation 2023

Strong and Sustainable Resource Communities Act 2017

Summary Offences Act 2005

Summary Offences Regulation 2016

Survey and Mapping Infrastructure Act 2003

Tobacco and Other Smoking Products Act 1998

Torres Strait Islander Cultural Heritage Act 2003

Transport Infrastructure (Public Marine Facilities) Regulation 2023

Transport Infrastructure (State Controlled Roads) Regulation 2017

Transport Infrastructure Act 1994

Transport Operations (Marine Pollution) Act 1995

Transport Operations (Marine Safety) Act 1994

Transport Operations (Marine Safety) Regulation 2016

Transport Operations (Road Use Management) Act 1995

Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015

Transport Operations (Road Use Management – Road Rules) Regulation 2009

Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021

Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2021

Trusts Act 1973

Waste Reduction and Recycling Act 2011
Waste Reduction and Recycling Regulation 2023
Water Act 2000
Water Fluoridation Act 2008
Water Fluoridation Regulation 2020
Water Regulation 2016
Water Supply (Safety and Reliability) Act 2008
Work Health and Safety Act 2011
Work Health and Safety Regulation 2011
Workers' Compensation and Rehabilitation Act 2003
Workers' Compensation and Rehabilitation Regulation 2014
Working with Children (Risk Management and Screening) Act 2000

7.2.1. OPERATIONS

Contract for Services DRFA 2025 Natural Disaster Flood Event

File Reference: 1108

Report Author: James Stewart, Director Infrastructure Planning and Environmental Services

Authoriser: Matthew Magin, Chief Executive Officer

Meeting Date: 11 March 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

3.3.2 Plan, build and maintain infrastructure that enhances and extends the life of community assets.

Burdekin Shire Council Operational Plan 2024-2025

OPW2 Implement Annual Works Program as adopted within the financial year considering revisions required to accommodate externally funded projects and/or natural disasters.

Executive Summary

This report to Council covers the procurement process to secure support services to assist Council Officers to manage the various phases of Disaster Recovery Funding Arrangements (DRFA). This is in response to the infrastructure damage resulting from February 2025 Monsoonal Natural Disaster event.

Recommendation

That Council endorses the recommendation to award Lonergan Project Services Pty Ltd the contract for TBSC/25/011 2025 Disaster Recovery Support and delegate to the Chief Executive Officer to execute the engagement and contract details as required.

Background

Declared Activation for February 2025 Monsoonal Natural Disaster.

Previous Activations have been of a relatively small value 2019 = \$6M and the collection of evidence, submissions to the QRA have been managed internally by the Project Management Office.

February 2025 Activation has been estimated at \$20M and therefore it was determined that we needed to bring in contractor support due to the size of the claim for Disaster Recovery Fund Arrangements (DRFA).

Due to having recently completed an "open market" competitive tender for TBSC/24/028 Superintendent - South Ayr Water Filtration Plant which was adopted by Council on 11 February 2025.

A tender was released via LocalBuy for pricing for Contractor support directly to Lonergan Project Services.

LPS are now representing multiple Council's in Queensland and are recognised as highly experienced and reputable contractors capable of delivering excellent services for Council managing the various phases of infrastructure recovery and maximising reimbursement of the expenditure in doing.

Consultation

Council Workshop was completed on the 4 March 2025.

Budget & Resource Implications

The estimated costs for the engagement are dependent on the overall size of the damage estimate and duration of the reconstruction program (maximum of 2 years).

The services are based on an all-inclusive hourly rate (ex GST):
Program Management \$195/hr
Damage Pick up/Surveillance Officer \$145/hr

The expenditure for project services is fully claimable and will not impact Council's overall budget.

Legal Authority & Implications

Not Applicable.

Policy Implications

Burdekin Shire Council Procurement Policy.

Risk Implications (Strategic, Operational, Project Risks)

Due to legislated timeframes for the DRFA program a rapid response was required to ensure we could undertake rapid assessment and pickup of the damage evidence prior to undertaking temporary repairs during the 90 days following the event.

This risk has been mitigated through the use of Local Buy and Vendor Panel to be able to quickly engage the services of a highly experienced contractor such as LPS and achieve excellent value for money to Council and the QRA.

Attachments

None

7.4.1. TECHNICAL SERVICES

Review of Erection of Structures Over or Adjacent to Sewers or Water Mains Policy

File Reference: 1184

Report Author: Jodie Ordorica, Governance Support Officer

Authoriser: Kevin Byers, Manager Technical Services

Meeting Date: 11 March 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

3.3.1: Implement the Asset Management Strategy and Roadmap.

3.3.2: Plan, build and maintain infrastructure that enhances and extends the life of community assets.

3.3.3: Develop and implement strategic infrastructure plans to inform the decision making process when planning for future infrastructure renewal and enhancements.

Burdekin Shire Council Operational Plan 2024-2025

CG5 Manage Council's Corporate Policy Program.

Executive Summary

Burdekin Shire Council frequently receives applications to erect structures over or adjacent to Council's sewer and water infrastructure. The purpose of this policy and associated guidelines is to provide the framework to assess applications that cannot be approved under the Queensland Development Code (QDC) MP 1.4 – Building over or near relevant infrastructure.

Recommendation

Council adopts the revised Erection of Structures Over or Adjacent to Sewers or Water Main Policy as attached to this report.

Background

Council acknowledges that while the existing sewerage and water supply infrastructure provides vital services to the wider Burdekin Community, the presence of this infrastructure may sometimes require additional works by a developer to provide protection to both the existing infrastructure and the proposed development. The policy was reviewed in accordance with the adopted review schedule. During this review, minor amendments were made to the policy.

Consultation

The revised policy was considered by Council at a workshop held on Tuesday, 4 March 2025.

Budget & Resource Implications

Not Applicable.

Legal Authority & Implications

Water Supply (Safety and Reliability) Act 2008

Building Act 1975

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

This policy serves to mitigate against risks to Council associated with the erection of structures over or adjacent to sewer and water mains, including non-compliance with legislation and risks of damage to Council infrastructure. The policy has also been developed to allow Council to employ a consistent risk-based assessment of the impacts of building over or adjacent to Council's water and sewer infrastructure.

Attachments

1. Erection of Structures Over or Adjacent to Sewers or Water Mains Policy

Policy Type	Corporate
Function	Sewerage
Policy Owner	Director Infrastructure, Planning and Environmental Services
Policy Contact	Manager Technical Services
Effective Date	14 December 2021

Purpose

The purpose of this policy is to provide a consistent approach to the assessment of applications to erect structures over or adjacent to Burdekin Shire Council sewerage and water supply infrastructure.

Scope

This policy applies to structures proposed to be constructed within the zone of influence of Council-owned sewerage and water supply infrastructure. This policy does not apply to structures that may be approved under the Queensland Development Code (QDC) MP 1.4 – Building over or near relevant infrastructure.

Exceptions

N/A

Objectives

The objective of this policy and the associated technical guidelines developed by Council is to:

- maintain the structural integrity of Council sewerage and water supply infrastructure by avoiding damage to such infrastructure during construction works within the zone of influence and ensuring that no additional loading will be placed on the infrastructure from the proposed works;
- maintain the functionality of the relevant infrastructure including all associated components such as access points and property connection points;
- maintain accessibility to the infrastructure to ensure operation, maintenance and replacement of all components of the infrastructure is achievable;
- provide developers, property owners and other person carrying out works within the zone of influence of Council infrastructure detailed requirements set by Council;
- make property owners aware of the responsibilities and risks of building within the zone of influence.

Policy Statement

Any structure to be erected within the zone of influence of Burdekin Shire Council sewerage and water supply infrastructure requires approval from Council under Section 192 of the *Water Supply (Safety and Reliability) Act 2008*. Applications must be made to Council's Chief Executive Officer as detailed in the associated technical guidelines and will be assessed by Council officers in accordance with the criteria detailed in these guidelines.

Prior to making an application, the property owner shall investigate all alternatives to locating the proposed structure within the zone of influence. If no feasible alternative can be identified, an application can be made to Council.

Existing structures constructed over sewers or water mains without formal approval from Council and prior to the adoption of this policy are subject to the same conditions as a new structure of the same type, in particular all conditions relating to the responsibilities and liability of the property owner.

Council reserves the rights to refuse any application that is deemed not to comply with the objectives of this policy. Approvals will have a number of conditions imposed on the proposed works to ensure compliance with this policy and the associated Technical Guidelines.

Council accepts no liability for any damage to the structure caused by the failure of any sewer, house drain, water main or associated infrastructure on or adjacent to the property, subsidence of any trench or damage that may occur during maintenance or replacement of the infrastructure. As a condition for any approval to carry out works within the zone of influence the property owner is required to indemnify Council against any future damages to the structure that may occur due to the existence of the infrastructure on the site.

Council holds the property owner responsible for any damage to the infrastructure caused by construction within the zone of influence.

Construction within the zone of influence is at the whole and perpetual risk of the property owner.

The Chief Executive Officer has responsibility for the implementation of this policy, development of the associated technical guidelines and ongoing amendments to such guidelines as required from time to time.

Risk Management

This policy serves to mitigate against risks to Council associated with the erection of structures over or adjacent to sewer and water mains, including non-compliance with legislation and risks of damage to Council infrastructure. The policy has also been developed to allow Council to employ a consistent risk-based assessment of the impacts of building over or adjacent to Council's water and sewer infrastructure.

Legislation

Building Act 1975

Water Supply (Safety and Reliability) Act 2008

Definitions and Abbreviations

Infrastructure	(for the purpose of this policy) includes sewerage and water supply infrastructure).
Sewerage	Is infrastructure used to receive, transport and treat sewage or effluent, including sewers, access chambers, maintenance holes, property connection points and combined house drains.
Water Supply	Is infrastructure used to supply potable water to properties including pipelines, valves, fire hydrants, property connections, meters and associated infrastructure.
Zone of Influence	Is the area of land soil likely to be affected by the failure of a sewer or water main, including the subsidence, disturbance or excavation of the trench. Any structure constructed within this area of land may impose additional loads on the buried main. This area is also the area that may impose additional loads on the main. The zone of influence is nominally defined as a line projected at a 45 degree angle from the invert of the sewer to the natural surface. The zone is detailed in Section 3.0 of the associated technical guidelines.

Related Documents

Reference Number	Document Title
	Technical Guidelines for the Erection of Structures Over or Adjacent to Council Sewers and Water Mains
Queensland Government Website	The Queensland Development Code 2008 (Mandatory Part 1.4) Building over or near relevant infrastructure

Document History and Version Control

Title of Document	Erection of Structures Over or Adjacent to Sewers or Water Mains Policy
Document Reference Number	BLD-POL-0001 Rev 4
Review Schedule	36 months
Council Meeting Date	14 December 2021
Council Resolution Number	1679956

Technical Guidelines for the Erection of Structures Over or Adjacent to Council Sewers and Water Mains

March - 2025

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1. INTRODUCTION

These guidelines have been developed to support the Burdekin Shire Council policy for the “Erection of Structures Over or Adjacent to Council Sewers or Water Mains” and must be read in conjunction with the policy. This document is intended to provide guidance for property owners and developers from the early planning phase through to construction and the responsibilities of the property owner for the life of the structure.

Any requests for relaxation of these guidelines are to be approved by the Chief Executive Officer.

2. DEFINITIONS

Access Chamber	A structure with a sealed cover constructed in the line of a sewer or the sanitary drain to facilitate maintenance of the sewer or sanitary drain. Commonly known as a manhole.
Applicant	A person who applies to the Council for its written consent to build over, interferes with access to, increase or reduce the cover over sewerage or water infrastructure.
CCTV	Closed Circuit Television.
Combined house drain	Sanitary house drain serving two parcels of land. The section of the house drain that serves both properties and the section servicing an adjoining property to a point 1.0m beyond the property boundary shall be treated as Council sewer. The remaining sections of the drains are the responsibility of the property owners.
Engineer	Registered Professional Engineer in Queensland (RPEQ).
House drain	Private sanitary drain serving one parcel of land. This drain is the responsibility of the property owner.
Pressure sewer main	Pressurised sewer main such as rising main from sewage pump station or a Common Effluent Drainage pipeline.
Property connection	Connection point of private sanitary drain to Council sewer.
Reticulation sewer main	Council-owned gravity sewer main up to and including 150mm diameter. Sanitary house drains servicing adjoining properties and combined house drains are the responsibility of Council and must be considered as reticulation sewers.
Reticulation water main	Council-owned pressure water main up to and including 150mm diameter.
Sewerage	Infrastructure used to receive, transport and treat sewage or effluent, including sewers, access chambers, maintenance holes, property connection points and combined house drains.
Trunk sewer main	Council-owned gravity sewer main greater than 150mm diameter or all sewers that accept flows from sewage pump stations.
Trunk water main	Council-owned pressure water main greater than 150mm diameter
Water supply	Infrastructure used to supply potable water to properties including pipelines, valves, fire hydrants, property connections, meters and associated infrastructure.

The area of land likely to be affected by the failure of a sewer or water main including the subsidence, disturbance or excavation of the trench. Any structure constructed within this area of land may impose additional loads on the buried main. The zone of influence is nominally defined as a line projected at a 45° angle from the invert of the sewer to the natural surface. The zone is detailed in Section 3.0 of these guidelines.

Technical Guidelines for the Erection of Structures Over or Adjacent to Council Sewers and Water Mains

3. ZONE OF INFLUENCE

The zone of influence for a buried main (sewer or water) is nominally defined as a line projected at a 45-degree angle from the invert of the sewer to the natural surface as shown in Figure 1.

This area is considered as that part of the ground where:

- Settlement or disturbance of the ground surrounding the sewer main may cause damage to structures on the surface above.
- Loads from structures on the surface within this area may have an impact on the buried main.

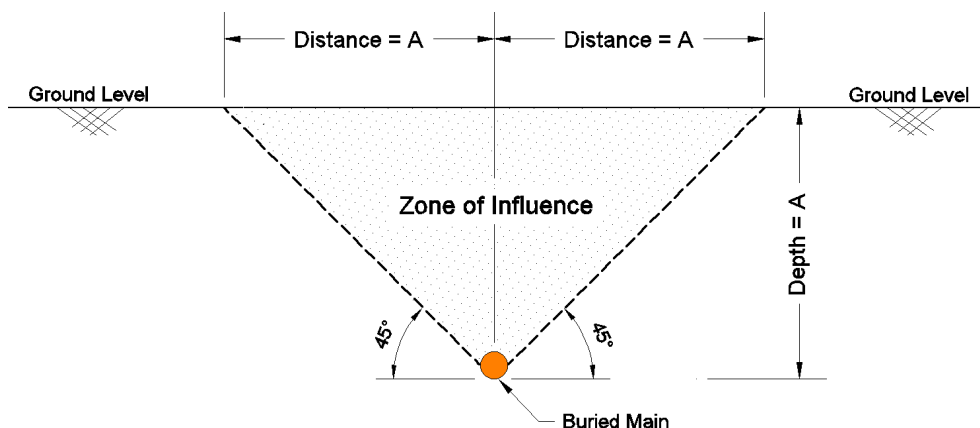


Figure 1: Zone of Influence of a buried main

4. PRIOR TO LODGING A BUILDING DEVELOPMENT APPLICATION

In the planning phase for all new structures including major, minor and other structures as detailed in Section 6.0, it is necessary to identify all infrastructure on the site, adjacent properties and reserves. The zone of influence of infrastructure located in adjoining properties and reserves may encroach into property on which a structure is intended to be constructed and must also be considered when planning works.

Approximate locations of sewers and water mains are available from Council's Customer Service Centre. These plans are indicative only and accurate locations must be obtained by the property owner to determine the zone of influence and assist in the siting of the proposed structure to avoid Council infrastructure where possible.

Council accepts no liability for any errors or omissions in information supplied. All alternative locations for the structure must be considered prior to making a decision to site the structure within the zone of influence. If there is no suitable alternative and the structure is to be located within the zone of any Council main, the property owner must apply to Council in accordance with the policy.

The application should be submitted prior to carrying out the detailed design to ensure the final design is fully compliant with all conditions placed on the approval. This aims to reduce any redesigns required by conditions placed on the approval.

5. APPLICATION

If the proposed development encroaches into the zone of influence of any Council-owned sewer or water main the property owner must apply to Council for approval to carry out the works. This application must be made by the property owner. Application forms (*Application to Build Over or Near Relevant Infrastructure Form*) are available from Council's Customer Service Centre or Council's website.

Supporting Documentation Required

- ✓ Site Plan of proposed works showing:
 - property boundaries,
 - accurate location of Council infrastructure with the zone of influence defined,
 - accurate location of property connection points, access chambers and associated infrastructure,
 - location of proposed structure in relation to Council infrastructure and property boundaries,
- ✓ Detailed design plans showing the type of construction of proposed works.
- ✓ Registered Professional Engineers (RPEQ) certification of foundation design.
 - The certification must specifically state that no additional loads will be applied to the sewer or water main as a result of the proposed works and that the structure will remain structurally sound in the event of a sewer or main failure or subsidence within the zone of influence.

Application form signed by the property owner indemnifying Council against any future claim for damage to the structure due to the existence or failure of the infrastructure, subsidence of the sewer or water main trench or damage caused by ongoing operation of the sewer or water network, carrying out routine maintenance or replacement of the asset.

6. TYPE OF STRUCTURE

Major Structures

- Residential buildings
- Commercial buildings
- Industrial buildings
- All sheds constructed from any material other than cold formed steel framing and sheet metalcladding.
- Cold formed steel framed and metal clad sheds greater than 18m² in area
- Masonry, brick or concrete fences
- Retaining walls over 1m in height
- In-ground swimming pools

Minor Structures

- Garden Sheds
- Cold formed steel framed and metal clad sheds less than 18m² in area
- Temporary relocatable or demountable structures
- Above ground swimming pools
- Open carports with no fixed floor (not attached to a major structure)
- Shade sails

Other Structures

- Timber or steel-clad fences
- Concrete slab or driveway

7. ASSESSMENT CRITERIA

Applications will be assessed against the following criteria to assist Council officers to decide whether to allow the proposed structure to be erected within the zone of influence and the conditions to be imposed on any approvals.

7.1 Location of main

If the main is located on the property on a standard alignment of 1.2m from the property boundary no major structure shall be permitted to be constructed closer than 1.2m from the main. If the main traverses the lot on a non-standard alignment, approval may be given to build closer to or over the main providing all other requirements of these guidelines and the policy are complied with.

7.2 Type and condition of the main

Trunk sewer main - No structure shall be permitted to be constructed over a trunk sewer main. No structure will be approved to be constructed adjacent to a trunk sewer main if the outermost edge of the structure is less than 2.5m clear from the centre of the main.

Reticulation sewer main – A structure may be approved to be constructed over or adjacent to a reticulation sewer main, if all other requirements are met.

Pressure sewer mains and water mains – No structure will be approved if the outermost projection of the structure is less than 1.5m clear from the centre of the main or the foundations of the structure are within the zone of influence. (All water mains including trunk and reticulation mains are pressure mains).

Condition of main - A condition assessment of the main must be carried out by Council prior to granting approval. CCTV inspections will be required at the pre-design and post construction phases if the structure is within the zone of influence of any trunk or reticulation main. The full cost of the post-construction inspection shall be the responsibility of the applicant. If the main is deemed by the Chief Executive Officer to be structurally inadequate to withstand construction loadings, the property owner will be required to replace or reline the portion of the sewer affected by the structure.

7.3 Access to Council infrastructure

Any proposed structure must not impede Council's ability to access the main and associated infrastructure for the day-to-day operation of the service, maintenance and replacement of all components of the infrastructure. Where associated infrastructure such as access chambers and property connection points are located on the site, a minimum clearway of 2.5m width and 2.7m

height will be required to facilitate access from the front property boundary to the infrastructure.

7.4 Access Chambers and maintenance shafts

No structure shall be constructed closer than 1.5m from the centre of the chamber/shaft to the outermost projection of the structure.

7.5 Property connection point

No structure shall be constructed closer than 1.0m from all parts of the property connection on a reticulation main or 2.5m from all parts of the property connection to a trunk main. If there is no option of amending the location of the structure, approval may be given to relocate the connection point to comply with this requirement. The new location must be capable of servicing the property which it currently serves. If the connection is for an adjoining property, the applicant requires approval from the adjoining property owner to relocate the connection and drain as required. All costs relating to any modifications shall be the applicant's responsibility.

7.6 Foundation design

The design of the foundations of any structure within the zone of influence is to be undertaken by a registered professional engineer (RPEQ). The engineer must certify that the structure will not impose additional loads on the sewer or water main and that the structure will remain structurally sound in the event of a failure of the main or subsidence of the sewer or water main trench.

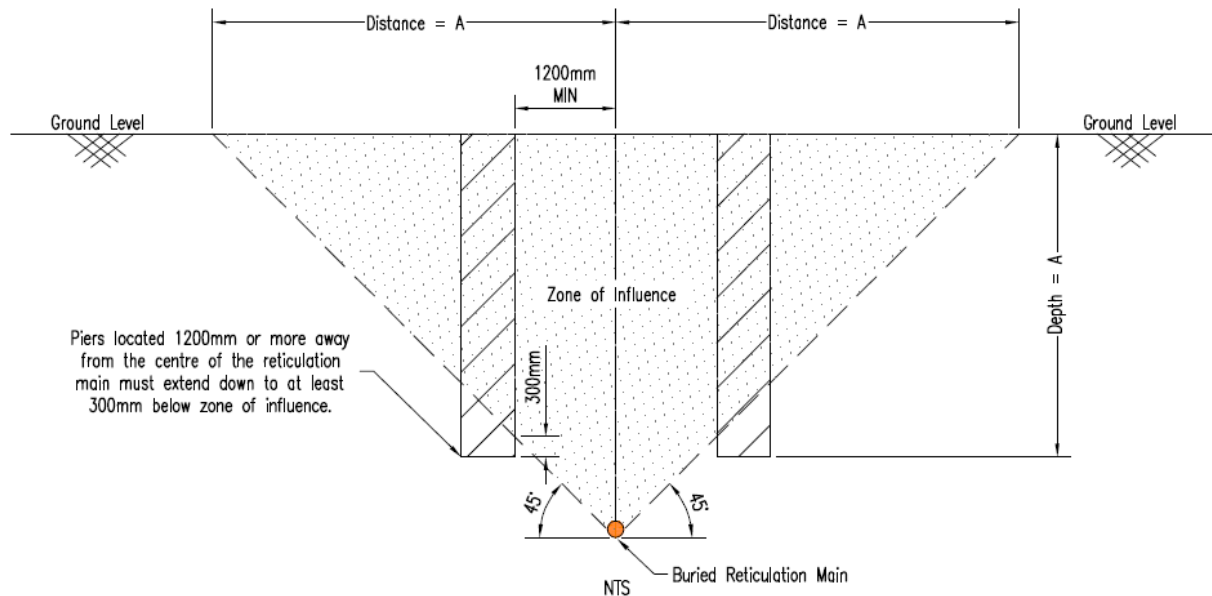


Figure 2: Piers located at least 1200mm from the centre of a reticulation main

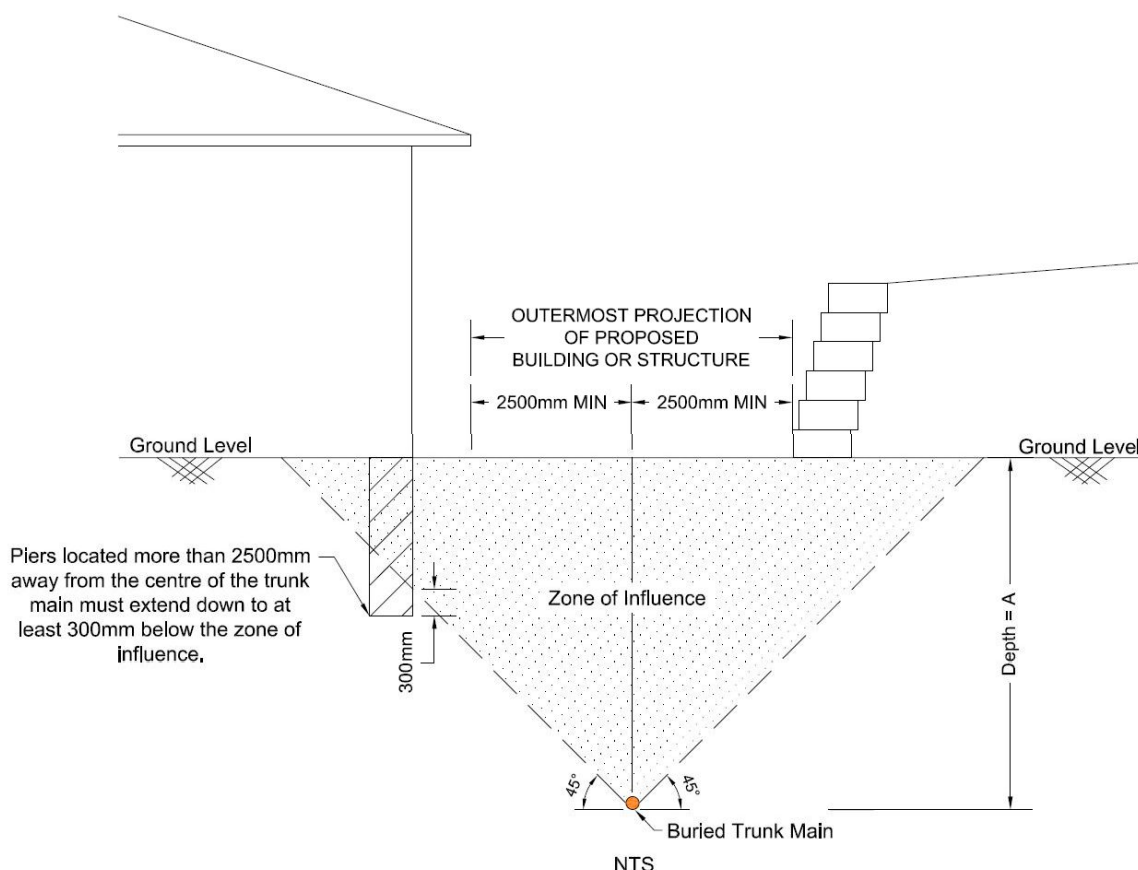


Figure 3: Requirement for piers adjacent to trunk mains

8. SPECIFIC CONDITIONS OF APPROVAL

If an approval is granted to erect a structure over or adjacent to a sewer or water main, it will be subject to a number of conditions to ensure compliance with the objectives of Council's policy.

The following conditions are standard and will be placed on all approvals independent of the type of structure or main:

- Council accepts no liability for any damage to the structure caused by the failure of any house drain on the property, failure of the sewer or water main, or subsidence of any sewer or water main trench.
- Council holds the property owner responsible for any damage to the sewer or water main caused by the construction of the structure over the main.
- Construction of the structure within the zone of influence of the infrastructure is at the whole and perpetual risk of the property owner.

Further conditions will be placed on approvals subject to the type and location of the structure based on the assessment criteria listed in Section 7.0.

9. INSPECTIONS

Inspections are required by Council officers during the pre-design/pre-construction phase and, if required, following the completion of the project. The building certifier or engineer will be required to carry out all inspections of the foundations and floor in accordance with the approved structural design.

Pre and post-construction CCTV inspections may be required in the approval. Council will carry out the pre-construction inspection at no cost to the applicant. The property owner will be responsible for the full cost of the post-construction inspection.

Any modifications required to be carried out to Council infrastructure will require additional inspections by Council officers. The costs of any such inspections are the responsibility of the applicant.

10. COMPLIANCE

Should the applicant or property owner fail to comply with the conditions of approval, they will be in breach of the *Water Supply (Safety and Reliability) Act 2008* and may be prosecuted under Section 192 of the Act.