



**Burdekin Shire Council**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 25 March 2025**

**COMMENCING AT 9:00 AM**

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## **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.

Mr. M. Magin - Chief Executive Officer  
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)  
Mrs. R. Stockdale - Senior Governance Officer (Part)

Minutes Clerk - Ms. G. Biffanti

### **2. PRAYER**

The meeting prayer was delivered by Pastor Gerry MacManus of the Burdekin Community Church.

### **3. DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

Councillor Vasta advised she had a Prescribed Conflict of Interest in relation to Item 6.4.8 Disaster Ready Fund - Round 3 - Lay on the Table, Item 1 of the recommendation of the grant funding for the South Ayr Drainage Scheme upgrade and installation of additional drainage infrastructure as she resides in South Ayr area. Councillor Vasta advised of her intention to leave the meeting prior to this discussion.

Councillor Hall advised she had a Prescribed Conflict of Interest in relation to Item 9 Receipt of Petitions, as her husband Mr. Peter Hall submitted a petition concerning safety issues with the current condition of Cussen Road, Clare. Councillor Hall advised of her intention to leave the meeting prior to this discussion.

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

#### **4.1. Council Ordinary Meeting Minutes - 11 March 2025**

##### **Recommendation**

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

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**Resolution**

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

CARRIED

**4.2. Economic Development Advisory Group Minutes - 30 January 2025****Executive Summary**

This report provides the minutes of the Economic Development Advisory Group Meeting held on 30 January 2025.

**Recommendation**

That the minutes of the Economic Development Advisory Group Meeting held on 30 January 2025 be noted and adopted.

**Resolution**

Moved Councillor Detenon, seconded Councillor Musumeci that the recommendation be adopted, noting the inclusion of Mr. Neil Green to the attendees list.

CARRIED

**5. EXECUTIVE****5.1. CEO****5.1.1. Council Workshops - January and February 2025****Executive Summary**

In line with agreed arrangements for Ordinary Council Meetings and Workshops, one (1) general workshop was conducted during January on 21 January 2025, and two (2) general workshops were conducted during February on 4 and 18 February 2025.

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

**Recommendation**

That the report on the Council Workshops held on 21 January and 4 and 18 February 2025 be received and noted.

**Resolution**

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

CARRIED

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## **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. Second Revised Budget Report 2024 - 2025**

##### **Executive Summary**

In accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*, Council may, by resolution, amend the budget for a financial year at any time before the end of the financial year. As required by the regulation, Council has completed a budget revision for 2024/25 and the next two (2) financial years.

Management has completed a review of the 2024/25 budget based on results to the end of February and estimated transactions for the remainder of the financial year.

An amended budget for the 2024/25 financial year is submitted for adoption.

##### **Recommendation**

That the amended budget and report for the period ending 30 June 2025 as tabled be adopted.

##### **Resolution**

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

CARRIED

#### **6.3.2. Monthly Financial Report - February 2025**

##### **Recommendation**

That the Monthly Financial Report for Period Ending 28 February 2025 be received.

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## **Resolution**

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

CARRIED

*9.22am - Mrs. Stockdale entered the meeting.*

*9.39am - Mrs. Manganaro and Ms. Smith left the meeting.*

## **6.4. GOVERNANCE**

### **6.4.1. Review of Entertainment and Hospitality Policy**

#### **Executive Summary**

In accordance with provisions of the *Local Government Regulation 2012* Council is required to prepare and adopt a policy about expenditure on entertainment and hospitality. Council's Entertainment and Hospitality Policy was last adopted in March 2023 with a 24 month review schedule. Council's Entertainment and Hospitality Policy outlines the reasonable and appropriate purposes for which expenditure can be incurred.

The policy applies to Councillors and Council Employees, as well as other persons such as members of the public, suppliers or customers or other visitors to Council. Expenditure under this policy should be transparent and justifiable and should help to progress Council toward achieving its Corporate Objectives.

#### **Recommendation**

That Council adopts the Entertainment and Hospitality Policy as attached to this report.

## **Resolution**

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

CARRIED

### **6.4.2. Review of Councillor Expense Reimbursement Policy**

#### **Executive Summary**

The *Local Government Regulation 2012* makes provisions for Councillor to be reimbursed for reasonable expenses incurred in undertaking their official duties and responsibilities. The Regulation also refers to the provision of facilities to each Councillor for the same purpose. Council is required to adopt a policy dealing with expense reimbursement and may amend its policy at any time by resolution.

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The Councillor Expense Reimbursement Policy provides for a consistent, transparent and accountable approach to the reimbursement of expenses and the provision of facilities to Councillors in order to support them to fulfill their responsibilities. In line with Council's Policy Review Schedule, the policy has been reviewed and updated and is now presented to Council for readoption.

### **Recommendation**

That Council adopts the Councillor Expense Reimbursement Policy as attached to this report.

### **Resolution**

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

CARRIED

### **6.4.3. Amendment to Trustee Lease - Part of Lot 192 on SB499, Lease G on SP353307 - Home Hill Aerodrome - John Robert Mann**

#### **Executive Summary**

This report seeks to amend a previous resolution of Council in relation to a Trustee Lease at the Home Hill Aerodrome with John Robert Mann.

At the Ordinary Council Meeting on 28 January 2025 Council resolved to enter into a Trustee Lease with John Robert Mann over Part of Lot 192 on SB499, Home Hill Aerodrome as Lease G on SP353307, for a ten (10) year term beginning on 1 March 2025.

On 1 March 2025 Mr. Mann requested to change the commencement date of the lease to 1 May 2025 due to delays in the finalisation of the lease as a consequence of several factors (including the local flooding event and administrative delays). This would also impact on the end date of the lease, taking it to 30 April 2035.

### **Recommendation**

That Council amends the commencement date of the Trustee Lease with John Robert Mann for Part of Lot 192 on SB499 at Home Hill Aerodrome as Lease G on SP353307, to 1 May 2025 and also amends the end date accordingly to 30 April 2035.

### **Resolution**

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

CARRIED

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#### **6.4.4. Trustee Lease Renewal - Lease A on SP275837, Part of Lot 33 on SP331997 - Scott and Judith Sheahan**

##### **Executive Summary**

Council approval is requested to enter into a Trustee Lease as follows:

Lessor: Burdekin Shire Council  
Lessee: Scott and Judith Sheahan  
Leased Area: Lease A on SP275837, part of Lot 33 on SP331997  
Term: Ten (10) years, 17 March 2025 to 16 March 2035  
Rent: \$1,306.24 (including GST)

The Trustee Lease between Burdekin Shire Council (Lessor) and Scott and Judith Sheahan (Lessee) over a portion of Reserve for Camping and Water Purposes R50 (Lot 33 on SP331997) located on Ayr Dalbeg Road, Mulgrave expires on 16 March 2025. The current lease was for a term of ten (10) years. Scott and Judith Sheahan have confirmed in writing on 18 December 2024 their intent to renew the lease.

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

##### **Recommendation**

That Council:

- a. Applies the exception under Section 236(1)(c)(iii) of the *Local Government Regulation 2012* to allow the disposal of part of Lot 33 on SP331997 to Scott and Judith Sheahan for grazing purposes.
- b. Agrees in principle to enter into a Trustee Lease for grazing purposes only under Section 57(1) of the *Land Act 1994* with Scott and Judith Sheahan over a portion of Reserve for Camping and Water Purposes Lot 33 on SP331997 comprising approximately 25.2 hectares for a further term of ten (10) years, being 17 March 2025 to 16 March 2035, under similar terms and conditions (including annual rental arrangements).

##### **Resolution**

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

CARRIED

9.48am - Mrs. Galletta entered the meeting.

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#### **6.4.5. Audit and Risk Committee Charter**

##### **Executive Summary**

In accordance with the *Local Government Act 2009* Council is required to establish an Audit Committee. At a Council meeting on 12 November 2024, Council resolved to combine the existing Audit Committee and Risk Committee into a single, unified committee. The Audit and Risk Committee operates in accordance with an agreed charter which outlines the committee's authority, role and undertakings. The Charter also details eligibility requirements for independent membership to the committee and outlines the tenure and vacancy schedule for each of the independent members. The Charter allows for a "rolling" membership to ensure continuity of knowledge whilst allowing for natural turnover.

The Charter document is reviewed every two (2) years, and the Audit and Risk Committee endorsed the revised charter at their first meeting on 5 February 2025. When the Charter is next due for review, an assessment of the schedule for replacing Independent Members will be undertaken with a view to further staggering their terms to ensure continuity in their roles.

##### **Recommendation**

That Council adopts the Audit and Risk Committee Charter as attached to this report.

##### **Resolution**

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

CARRIED

#### **6.4.6. Councillor Attendance Policy**

##### **Executive Summary**

A Councillor Attendance Policy has been developed to provide guidance to Councillors when making application for recreation or sick leave and to emphasize the importance of meeting attendance and participation by Councillors at Ordinary Council Meetings, informal meetings, Council Workshops, and training sessions.

The Councillor Remuneration Commission, in their 2010 Annual Report, recommended all Queensland Councils adopt a policy dealing with Councillor recreation and sick leave. At the time, Councillor remuneration for Burdekin Shire Councillors was tied to meeting attendance whereby a percentage of their remuneration was only payable if they attended at least one Ordinary Council Meeting each month.

From 1 July 2024, Burdekin Shire Council was categorised by the Councillor Remuneration Commission as a category B1 Council and the Councillors' remuneration is no longer tied to meeting attendance.

##### **Recommendation**

That Council adopts the Councillor Attendance Policy as attached to this report.

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## **Resolution**

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

FOR - Councillors Pierina Dalle Cort, Michael Detenon, John Furnell, Amanda Hall, Max Musumeci, Callan Oar

AGAINST - Councillor Fina Vasta

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CARRIED

### **6.4.7. Corporate Plan 2025-2030**

#### **Executive Summary**

The Corporate Plan is Council's key strategic document, guiding the delivery of services and the provision of infrastructure and facilities to the community over a five-year period. Following the 2024 election and the appointment of a new Chief Executive Officer and Executive Leadership Team, Council initiated a review of the Corporate Plan 2022-2027.

This review, conducted in consultation with the management team and elected Council, has informed the development of the Corporate Plan 2025-2030, which is now presented for adoption.

#### **Recommendation**

That Council adopts the Corporate Plan 2025-2030 as attached to this report.

## **Resolution**

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

CARRIED

### **6.4.8. Disaster Ready Fund - Round 3 - Lay on the Table**

*10.00am Councillor Vasta left the meeting at the commencement of this discussion as she advised she has a Prescribed Conflict of Interest in relation to Item 6.4.8 Disaster Ready Fund - Round 3 - Lay on the Table, Item 1 of the recommendation of the grant funding for the South Ayr Drainage Scheme upgrade and installation of additional drainage infrastructure as she resides in South Ayr area.*

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## Executive Summary

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

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.

## Resolution

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

FOR - None

AGAINST - Councillors Pierina Dalle Cort, Michael Detenon, John Furnell, Amanda Hall, Max Musumeci, Callan Oar

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Councillors voted against the recommendations for the following reasons:

1. potential negative impacts downstream related to the South Ayr Drainage Scheme upgrade, along with the need to weigh the costs versus the benefits before proceeding further; and
2. a more cost effective solution is available for the installation of an underground fibre optic network link between Council's new Ayr Water Supply Filtration Plant and Council's existing communications network infrastructure.

*10.06am - Councillor Vasta re-entered the meeting.*

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

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

#### **7.2. OPERATIONS**

##### **7.2.1. Installation of a Drainage Culvert on Patricia Road, Ayr**

###### **Executive Summary**

This report is seeking approval from Council to award the contract for the installation of a drainage culvert on Patricia Road, Ayr. Tenders closed on 11 February 2025, with 12 submissions received from local, regional, and Southeast Queensland companies.

Following evaluation, the tender submitted by Gen White Pty. Ltd. for \$210,463.12 (excluding GST) is recommended as the most advantageous to Council, considering price, capability, and compliance.

This project aligns with Council's operational objectives to improve drainage infrastructure, is funded through a combination of Roads to Recovery, REPA, and Council funds, and will mitigate flooding impacts on Patricia Road, Ayr.

###### **Recommendation**

That Council accepts the tender from Gen White Pty Ltd for \$210,463.12 excluding GST, this being the most advantageous tender to Council.

###### **Resolution**

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

CARRIED

### **7.3. PLANNING AND DEVELOPMENT**

##### **7.3.1. Change Application (Minor Change) – Development Permit for Material Change of Use – Community Care Centre and Caretakers Accommodation at 87 Wickham Street, Ayr (Lot 8 on SP167787)**

###### **Executive Summary**

Council is in receipt of a Change Application (Minor Change) received on 26 February 2025 by Brazier Motti on behalf of the applicant Rhonda Martin seeking to amend condition 6.6 and remove condition 6.7 of the Development Permit issued on 18 June 2024 for a Material Change of Use – Community Care Centre and Caretakers Accommodation located at 87 Wickham Street, Ayr, on land described as Lot 8 on SP167787.

Council Officers have considered the requested changes and support the change in part.

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## Recommendation

That Council issue a Decision Notice for MCU23/0017.01 being a Change Application (Minor Change) to the Development Permit for a Material Change of Use for a Community Care Centre and Caretakers Accommodation located at 87 Wickham Street, Ayr, on land described as Lot 8 on SP167787, subject to reasonable and relevant conditions, as set out below:

Condition	Reason	Timing
<b>1 General and Administration</b> <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) and all other relevant legislative requirements to Council's satisfaction, and best industry practice. 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>Notice of Intention to Commence the Use</u> 1.4 Prior to the commencement of the use on the land the subject of the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use. <u>Works – Applicant's Responsibility/Expense</u> 1.5 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. 1.6 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. 1.7 Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council. <u>Infrastructure Conditions</u> 1.8 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.
<b>2 Approved Plans and Documents</b> <u>Approved Plans &amp; Documents</u> 2.1 The proposed development and use of the site must be completed, comply with and maintained generally in accordance with drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval. 2.2 The development must generally accord with 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 One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.	The approved development must be completed and maintained generally in accordance with the approved drawings and documents.	At all times.
<b>Approved Plans</b>		
<b>Drawing Title</b>	<b>Drawing/Revision</b>	<b>Date</b>
Tony Ferraris Consulting – Building Design – Proposed Site and Floor Plan	DWG No: A02, Issue A	28 July 2023
<b>3 Outstanding charges</b> All rates and charges (including infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.		
<b>4 Operation of the Use/Limitation of Approval</b> 4.1 This approval is limited to a 'Community Care Facility and Caretakers Accommodation' use as defined by Schedule 1, Definitions SC1.1 Use Definitions of <i>Burdekin Shire Planning Scheme 2022</i> . 4.2 Specifically the approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 2. 4.3 No other operations and/or activities are allowed other than that approved by this permit. 4.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant.	The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	At all times.

Condition	Reason	Timing
4.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.		
<b>5 Notice of Intention to Commence the Use</b> Prior to the commencement of the use on the land subject to the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.	To ensure Council is appropriately informed of that the use commencing and that all conditions of the relevant development permits have been complied with.	Prior to the commencement of the use.
<b>Carparking and Access</b>		
<b>6 Roadworks, Access, Parking and Traffic</b> 6.1 The development is to provide sufficient car parking on site to safely and efficiently accommodate parking demand generated by the approved activity. 6.2 All vehicles accessing the premises must enter and leave the site in a forward direction. 6.3 Accesses to the premises, car parking and manoeuvring areas must be constructed in an all-weather, suitably sealed, low glare paving (bitumen, asphalt, concrete) to Council's satisfaction within thirty-six (36) months from <u>the commencement of the</u> Material Change of use. <u>Access</u> 6.4 Existing access is to be widened to a minimum width of 6.0m in accordance with the relevant Australian Standards and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ), within thirty-six (36) months from <u>the commencement of the</u> Material Change of use. 6.5 Appropriate signage and pavement marking to delineate the direction of traffic entering and exiting the site is to be completed within thirty-six (36) months from <u>the commencement of the</u> Material Change of use. All pavement marking must be in accordance with the relevant Australian standards and to the satisfaction of the Council. <u>On site Carparking</u> 6.6 A minimum of <del>five (5)</del> <b>three (3)</b> carparking spaces, inclusive of one (1) accessible parking space provided for persons with a disability, are to be provided on site at all times, dedicated as follows:	To ensure development is appropriately serviced by adequate parking and access in accordance with relevant code/s and policy direction; and that the developments impact on the road network and safety of road users in this location is appropriately mitigated.	i. Technical details are to be submitted to Council as part of an application for Operational Work.  ii. A Development Permit for Operational Works must be granted prior to issue of the Certificate of Occupancy for Building Works.  iii. To be maintained at all times for the life of the development.
Condition	Reason	Timing
<ul style="list-style-type: none"> <li>Community Care Facility – <del>Four (4)</del> <b>Two (2)</b> spaces; and</li> <li>Caretakers Accommodation – One (1) covered space.</li> </ul> 6.7 All on-site parking must be designed in accordance with the relevant Australian Standards <del>and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ).</del> 6.8 All car parking facilities must be always maintained to a safe operating standard thereafter. <u>On Street Carparking</u> <del>6.9 Where the use of existing on-street car parking spaces is required for the Community Care Facility, the use of parking spaces located in the section of Edwards Street between MacMillan Street and Wickham Street only, are strictly permitted for use.</del> <b>6.9 No on-street parking associated with the Community Care Centre is permitted in the northern section of Wickham Street between the hours of 8am-9am and 2.30pm-3.30pm as detailed in the Technical Memorandum prepared by Noble Consulting Engineers dated 6 December 2024.</b>		
<b>Nuisance</b>		
<b>7 Avoiding Nuisance</b> 7.1 The proposed activity must be conducted in a manner that applies such reasonable and practical means to avoid, minimise or manage significant impacts on the existing amenity of the locality as a result of noise, lighting, odour, dust, volume of traffic generated, loss of privacy or other cause. 7.2 At all times, the proposed activity shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards. <u>Lighting</u> 7.3 The operation of the activity does not cause undue disturbance to any person or activity because of the light it emits. <u>Hours of Operation</u> 7.4 The hours of operation are limited to 7.00am to 6.00pm Monday to Friday and 9.00am – 1.00pm Saturday. Operation of the Community Care Facility is not permitted on any Sunday or Public Holidays. <u>Complaint Management</u>	To ensure that the use of the site does not cause unacceptable nuisance in accordance with community expectations, and relevant legislation including the <i>Environmental Protection Act 1994</i> .	All times.

Condition	Reason	Timing
<p>7.5 In the event of a complaint being received by Council in relation to nuisance associated with the use that is considered reasonable, Council will require the developer/operator to engage a suitably qualified consultant to undertake an assessment addressing nuisance emanating from the site for this use to the satisfaction of the Burdekin Shire Council.</p> <p>7.6 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and must provide a recommended method and proposed measures for Council's review and approval. The developer/operator must undertake any works (if required from the report) within three (3) months at no cost to Council.</p>		
<b>Infrastructure Provision</b>		
<p><b>8 Water Supply</b></p> <p>8.1 A suitably qualified Registered Professional Engineer of Queensland (RPEQ) must certify that the existing water supply flow and pressure is adequate to meet the demand of the proposed development in accordance with Council's Customer Service Standards for Water and Sewerage.</p> <p>8.2 Any alterations required to Council's water reticulation network must be submitted as part of the application for Operational Works and approved Council.</p> <p>8.3 Any alterations required to Council's water reticulation network are to be completed at the applicant's full cost with no cost to Council.</p> <p><b>9 Sewerage Supply</b></p> <p>9.1 A suitably qualified Registered Professional Engineer of Queensland (RPEQ) must certify that the existing sewerage infrastructure is adequate to meet the demand of the proposed development.</p> <p>9.2 Any alterations required to Council's sewerage network must be submitted as part of the application for Operational Works and approved by Council.</p> <p>9.3 Any alterations required to Council's sewerage network are to be completed at the applicant's full cost with no cost to Council.</p> <p><b>10 Stormwater</b></p> <p>10.1 A suitably qualified Registered Professional Engineer of Queensland (RPEQ) must certify that any increase in run off from the site will not have detrimental effect on the existing stormwater drainage networks.</p>	<p>To ensure that the premises is appropriately serviced by reticulated infrastructure in accordance with relevant code/s and policy direction:</p> <p>a. for general use;</p> <p>b. for firefighting purposes;</p> <p>c. to maintain the structural integrity of Council sewerage and water supply infrastructure; and to</p> <p>d. ensure the premises appropriately manages and convey stormwater legally and in an environmentally responsible manner.</p>	<p>i. Technical details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.</p> <p>ii. At all times</p>
Condition	Reason	Timing
<p>10.2 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.</p> <p>10.3. Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p> <p><b>11 Electricity and Communications</b></p> <p>Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.</p>		
<b>Amenity and Safety</b>		
<p><b>12 Landscaping, Fencing and Screening</b></p> <p>12.1 Landscaping, Fencing and Screening measures that contributes to an attractive streetscape and maintains appropriate amenity is to be provided.</p> <p><u>Landscaping</u></p> <p>12.1 All existing landscaping provisions to be maintained, except where modified by the conditions of this approval.</p> <p>12.2 All landscaping including associated irrigation and fencing and screening measures must be suitably constructed and maintained for the life of the development.</p> <p><u>Fencing and Screening</u></p> <p>12.3 A minimum 1.8m high, no gap fence is to be provided for the full length of the common boundaries of the subject site, excepting</p> <p>(i) the front road (southeast) boundary (along Wickham Street); and</p> <p>(ii) the common boundary to the west adjoining the existing residential property, located at 89 Wickham Street, Ayr.</p> <p>12.4 All plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so as to <u>not</u>:</p> <p>(i) to cause environmental nuisance or harm to the existing residential uses in the surrounding area; and</p> <p>(ii) be visible from the street.</p> <p><b>13 Refuse Facilities and Waste Management</b></p>	<p>To ensure that the use of the site:</p> <p>a. Does not cause noise and light nuisance to nearby sensitive receptors, in accordance with the <i>Environmental Protection Act 1994</i>;</p> <p>b. Does not have a detrimental effect on the visual amenity of the surrounding locality;</p> <p>c. Allows the general public, service and emergency service providers to effectively identify the property; and</p> <p>d. Protects matters of public health and amenity.</p>	<p>At all times.</p>

Condition	Reason	Timing
<p>13.1 Refuse Facilities and Waste Management must be provided to the satisfaction of Council, in accordance with Council's Waste Management Policy, <i>Local Law No. 8 (Waste Management) 2018</i> and the <i>Environmental Protection Regulation 2019</i> to ensure sufficient waste management storage capacity is provided on site to adequately cater for the demand generated by the use of the premises.</p> <p>13.1 Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers.</p> <p>13.2 The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted near the enclosure to ensure the area can be easily and effectively cleaned.</p> <p>13.3 Waste storage areas shall be:</p> <p>13.3.1 not visible from the street front; and</p> <p>13.3.2 Suitably screened.</p> <p><b>14 Signage</b></p> <p>14.1 Any signage to be associated with the use must be designed to the satisfaction of Council.</p> <p>14.1 To maintain amenity for the adjoining residential properties, no illumination of the signage is to occur unless otherwise approved by Council.</p> <p><b>15 Storage</b></p> <p>15.1 Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.</p> <p>15.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>15.3 Any storage on site is required to be screened from view from all roads and adjacent properties.</p> <p><b>16 Building Materials</b></p> <p>The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.</p> <p><b>17 Property Numbering</b></p> <p>Legible property numbers must be erected at the premises and must be maintained.</p> <p>The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.</p>		

Condition	Reason	Timing
<p><b>18 Complaint Management</b></p> <p>18.1 In the event of a complaint being received by Council in relation to nuisance associated with the use that is considered reasonable, Council may require the developer/operator to engage a suitably qualified consultant to undertake an assessment addressing nuisance emanating from the site for this use to the satisfaction of the Burdekin Shire Council.</p> <p>18.2 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and must provide a recommended method and proposed measures for Council's review and approval. The developer/operator must undertake any works (if required from the report) within 3 months at no cost to Council.</p>		

### Advice

<p><b>1. Infrastructure Charges</b></p> <p>An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.</p>
<p><b>2. Uses other than Community Care Facility and Caretakers Accommodation</b></p> <p>Any other uses proposed on this lot that are not defined as 'Community Care Facility and Caretakers Accommodation' and/or separately defined in Council's Planning Scheme will require a separate development application and permit as per the Planning Scheme requirements and all relevant legislation.</p>
<p><b>3. Compliance with Conditions</b></p> <p>Inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to a further approval.</p>
<p><b>4. Further Approvals Required</b></p> <p>a) Operational Works</p> <p>A Development Permit for Operational Works to carry out civil works including access widening works, on site car parking and manoeuvrability areas, landscaping and fencing associated with the planning approval is required prior to any works commencing on site.</p> <p>b) Plumbing and Drainage Works</p> <p>A Compliance Permit to carry out plumbing and drainage works prior to the commencement of plumbing and drainage works.</p> <p>c) Building Works</p> <p>A Development Permit for Building Works to carry out building works and to change the classification of the building is required, prior to works commencing on site.</p> <p>d) Build over sewer/Adjacent to Services</p> <p>An Approval to build over/adjacent to sewer will be required, if relevant, prior to works commencing on site.</p> <p>e) Road Works Permit</p> <p>A Roadworks permit for works within the road reserve must be obtained.</p>
<p><b>5. Construction</b></p> <p><b>5.1 Commencement</b></p> <p>Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via <a href="mailto:planning@burdekin.qld.gov.au">planning@burdekin.qld.gov.au</a>.</p> <p><b>5.2 Environmental Nuisance</b></p> <p>Ensure compliance with the Environmental Protection Act 1994. The Act states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance.</p> <p>In this regard persons and entities, involved in the civil, earthworks, and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.</p> <p><b>5.3 General Safety of Public During Construction</b></p>

<p>It is the Project Manager's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the Project Manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.</p> <p>It is the Principal Contractor's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the Principal Contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.</p> <p>It is the responsibility of the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.</p>	
<p><b>5.4 Building Work Noise</b></p> <p>The hours of audible noise associated with construction and building work on site must be limited to between the hours of:</p> <ul style="list-style-type: none"> <li>▪ 6.30 a.m. to 6.30 p.m. Monday to Saturday; with</li> <li>▪ No work on Sundays or Public Holidays.</li> </ul>	
<p><b>5.5 Storage of Materials and Machinery</b></p> <p>All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted outside the site, on road reserves or adjoining land unless written permission from the owner of that land and Council is provided.</p>	
<p><b>6. Aboriginal and Cultural Heritage</b></p> <p>6.1 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.</p> <p>6.2 The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: <a href="http://www.datsip.qld.gov.au">www.datsip.qld.gov.au</a></p>	
<p><b>7. Miscellaneous</b></p> <p>7.1 Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.</p> <p>7.2 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of Council.</p> <p>7.3 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.</p>	

## Resolution

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

CARRIED

*10.20am - Mrs. Galletta left the meeting.*

*10.20am - Mr. Byers entered the meeting.*

## 7.4. TECHNICAL SERVICES

### 7.4.1. TBSC/25/005 Supply and Delivery of Two (2) Tipper Trucks

#### Executive Summary

This report to Council is with regards to the procurement of a two (2) tipper trucks under quotation TBSC/25/005. 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 TBSC/25/005 Supply and delivery of two (2) Tipper Trucks (approximately 6t and 8.5t GVM) and is pursuant to Local Buy Contract NPN1.23 Trucks, Buses, Specialised Trucks & Bodies, to Prequalified Supplier, AP Townsville Pty Ltd (Isuzu Trucks Townsville) for the total value \$163,355.49 excluding GST, being for:

- Truck 1 - Isuzu NMR 60-150 Tri-Tipper Manual for \$73,957.83 excluding GST; and
- Truck 2 - Isuzu NPR 75-190 Factory Tipper Manual for \$89,397.66 excluding GST.



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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/25/005 – Supply and delivery of two (2) Tipper Trucks (approximately 6t and 8.5t GVM).

### **Resolution**

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

CARRIED

*10.22am - Mr. Byers left the meeting.*

## **8. NOTICE OF MOTION**

## **9. RECEIPT OF PETITIONS**

### **9.1. Safety Concerns for Cussen Road, Clare**

*10.23am Councillor Hall left the meeting at the commencement of this discussion as she advised she had a Prescribed Conflict of Interest in relation to Item 9 - Receipt of Petitions, as her husband Mr. Peter Hall submitted a petition concerning safety issues with the current condition of Cussen Road, Clare.*

### **Resolution**

Moved Councillor Oar, seconded Councillor Musumeci that Council receive the petition from Mr. Peter Hall regarding safety concerns related to the current condition of Cussen Road, Clare.

CARRIED

*10.27am - Councillor Hall re-entered the meeting.*

## **10. CORRESPONDENCE FOR INFORMATION**

## **11. COUNCILLOR REPORTS**

### **11.1. Councillor Reports for February 2025**

#### **Recommendation**

That Council notes the February 2025 monthly reports.

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## **Resolution**

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

CARRIED

*10.41am - Mr. Detenon left the meeting.*

*10.43am - Mr. Detenon entered the meeting.*

## **12. GENERAL BUSINESS**

### **12.1. Councillors Involvement - Assets Steering Committee and Fleet Steering Committee**

A call for expressions of interest was issued to the Councillors for participation in the Assets Steering Committee and the newly established Fleet Steering Committee. Councillor Musumeci and Councillor Oar both put their name forward to serve on both committees.

## **13. CLOSED BUSINESS ITEMS**

## **14. DELEGATION**

There being no further business the meeting closed at 10.52am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 8 April 2025.**

**MAYOR**

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