



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 22 April 2025

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

ATTENDANCE

Councillor Pierina Dalle Cort, Councillor Michael Detenon, Councillor John Furnell, Councillor Amanda Hall (Via Teams Meeting as arranged prior to the meeting), 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 (Via Teams Meeting as arranged prior to the meeting)
Mr. G. Arboit - Manager Community Services (Part)
Mrs. J. Manganaro – Manager Financial and Administrative Services (Part)
Mr. M. Pearce - Senior Planning Officer (Part)

Minutes Clerk - Ms. G. Biffanti

2. PRAYER

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

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 8 April 2025

Recommendation

That the minutes of the Ordinary Council Meeting held on 8 April 2025 be received as a true and correct record.

Resolution

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

CARRIED

4.2. Burdekin Shire Youth Council Meeting Minutes - 17 March 2025

Executive Summary

This report provides the minutes of the Burdekin Shire Youth Council Meeting held on 17 March 2025.

Recommendation

Item 4 - 2025 Youth Council Executive

That Council acknowledge the newly appointed Youth Council Executive members; as follows:

Youth Mayor - Nicole Cervoni
Deputy Youth Mayor - William Wiseman
Secretary - Cecelia Cason

Item 7 - National Youth Week 2025 - Sound Waves Pool Party - Sunday 6 April

That Council notes the successful funding application submitted by Nicole Cervoni and auspiced by Burdekin Shire Council for Youth Week Funding. The Youth Week Pool Party will be held on Sunday 6 April from 4:00pm to 8:00pm.

Item 8 - Youth First Aid Course

That Council notes and supports the running of a Youth Focused First Aid Course for young people aged 12-18 in the upcoming school holidays, noting it's success in the past.

Item 9 - Suggestion for Pool Open hours to be extended during the winter period

That Council notes the suggestion from Youth Council Member, Briella Wassmuth for consideration to be given to the Ayr Pool's opening hours to be extended during winter months to allow for the Burdekin Swim Club members to continue training.

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 17 March 2025 be noted and adopted; and
2. the recommendations as detailed the minutes and summarised above in Items 4, 7, 8 and 9 be adopted.

Resolution

Moved Councillor Furnell, seconded Councillor Vasta that the recommendation be adopted noting the amendment to the appointment of Ceclia Cason to Secretary to now read 2025 instead 2024.

CARRIED

5. EXECUTIVE

5.1. CEO

5.1.1. Council Workshop - March 2025

9.17am - Mr. Arboit left the meeting.

Executive Summary

In line with agreed arrangements for Ordinary Council Meetings and Council Workshops, two (2) general workshops were conducted during March on 4 and 18 March 2025.

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

Recommendation

That the report on the Council Workshops held on 4 and 18 March 2025 be received and noted.

Resolution

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

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. Adoption of Non-Current Asset Accounting Policy

Executive Summary

The revised Non-Current Asset Accounting Policy will amend the current policy, adopted at the Ordinary Council Meeting on 13 June 2023.

Minor cosmetic changes to this policy have occurred.

Recommendation

That Council adopts the attached Non-Current Asset Accounting Policy.

Resolution

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

CARRIED

6.3.2. Monthly Financial Report - March 2025

Recommendation

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

Resolution

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

CARRIED

9.20am - Mr. Pearce entered the meeting.

9.26am - Mrs. Manganaro left the meeting.

6.4. GOVERNANCE

6.4.1. Residential Activation Fund - Round 1

Executive Summary

This report seeks Council's endorsement of a funding submission to the Queensland Government's Residential Activation Fund - Round 1 to undertake planning of critical trunk and essential infrastructure, such as water supply, sewerage, roads and stormwater which is fundamental to activating infill and greenfield housing projects including new residential lots, new detached and attached homes in the Chippendale Street and Beach Road areas of Ayr.

Recommendation

That Council:

1. endorses the submission of a funding application to the Queensland Government's Residential Activation Fund - Round 1 to undertake planning of critical trunk and essential infrastructure in the Chippendale Street and Beach Road areas of Ayr.
 2. confirms Council's financial commitment of \$50,000.00 towards the project.
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Resolution

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

CARRIED

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 – Boundary Realignment (Two (2) Lots into Two (2) Lots) and Access Easement at 206 and 226 Airdmillan Road, Airdmillan (Lot 18 on SP194093 and Lot 19 on RP702289)

Executive Summary

Council is in receipt of an impact assessable Reconfiguring A Lot development application lodged by Brazier Motti on behalf of the applicant, Pirrone Brothers, seeking a Development Permit for Reconfiguring a Lot to realign the common boundary of two (2) lots located at 206 and 226 Airdmillan Road, Airdmillan, on land described as Lot 18 on SP194093 and Lot 19 on RP702289. In response to the Information Request, the application was amended to include an Access Easement that provides access to the existing shed.

As the development application is impact assessable, it has been assessed against the relevant assessment benchmarks of the *Burdekin Shire Council Planning Scheme 2022* and other relevant legislation and relevant matters together with an assessment of the merits of the application.

As a result of this assessment, Officers consider that despite any conflicts identified in part with the applicable codes, the proposal generally aligns with the outcomes sought by the Planning Scheme including its Strategic Framework. Given this and through the application of reasonable and relevant conditions, the proposed boundary realignment is recommended for approval.

Recommendation

That Council approve the development application seeking a Development Permit for Reconfiguring a Lot – Boundary Realignment (Two (2) Lots into Two (2) Lots) and Access Easement at 206 and 226 Airdmillan Road, Airdmillan, on land described as Lot 18 on SP194093 and Lot 19 on RP702289, 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 18, 19 and Easement Cancelling Lot 18 on SP194093 and Lot 19 on RP702289	Plan No: 56968/001 C Prepared by Brazier Motti Pty Ltd	10 February 2025
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.	
Access and Roadworks		
4. Roadworks		
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.	To provide appropriate access in accordance with relevant code/s and policy direction.	At all times.
5. Stormwater		
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.	To ensure that stormwater does not adversely affect surrounding properties or properties downstream from the development.	At all times

Condition	Reason	Timing
5.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		
Existing Services		
6. Services Easement		
6.1 Arrange registration of necessary easements over the electricity services located within proposed Lot 19 in conjunction with the lodgement of the Plan of Survey creating the lot.	To ensure that the infrastructure servicing proposed Lot 18 and 19 is provided with appropriate access rights.	At all times
6.2 Arrange registration of the proposed access easement as shown in approved Plan 56968/001 C within proposed Lot 18 in conjunction with the lodgement of the Plan of Survey creating the lot.		

Advice

1. Infrastructure Charges Not Applicable.
2. Compliance with Conditions Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.
3. Limitation of Approval 3.1 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant. 3.2 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving 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. Acid Sulfate Soils Should the presence of acid sulfate soils or potential acid sulfate soils be detected, an Acid Sulfate Soils Management Plan may be required to be prepared and submitted to Council for approval.
5. Amenity Impacts
Use of the site is to be operated in a way that protects the values of the existing environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting, in accordance with the <i>Environmental Protection Act 1994</i> .
6. Earthworks Earthworks are not approved as part of this Development Permit. If any earthworks are required and deemed assessable development, an operational works development application is to be lodged with Council for assessment in accordance with relevant code/s and policy direction.
7. Miscellaneous The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au . If any item of cultural heritage is identified during site works, all work must cease, and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.

Resolution

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

CARRIED

7.3.2. Enforcement under Local Law No. 3 (Community and Environmental Management) 2012 – Part 6A Designated Area for Building Appearance provisions

Executive Summary

This report recommends that Council initiate enforcement action under Part 6A of Local Law No. 3 (Community and Environmental Management) 2012 (Local Law No. 3), to address the appearance of specific buildings within designated areas. Following complaints received about the appearance of three (3) buildings in Home Hill, Council has assessed the sites and obtained advice confirming its authority to proceed with enforcement.

Recommendation

That Council

1. Commences enforcement action under Part 6A of Local law No. 3 (Community and Environmental Management) 2012 by issuing a Show Cause Notice to each owner of the properties identified in the table below:

	Address	Lot & Plan
1	37 First Street, Home Hill	Lot 89 on CP846895
2	158 & 160 Eighth Avenue, Home Hill	Lot 27 and Lot 28 on H6165
3	59-61 Eighth Avenue, Home Hill	Lot 1 on RP727033
	63 Eighth Avenue, Home Hill	Lot 2 on RP727033

2. Delegates authority under s257 of the *Local Government Act 2009* to the Chief Executive Officer to undertake any and all matters associated with enforcement action under Part 6A of Local law No. 3 (Community and Environmental Management) 2012.

Resolution

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

CARRIED

9.31am - Mr. Pearce left the meeting.

7.4. TECHNICAL SERVICES

7.4.1. Tenders Received for the Installation of Electrical and Communications Conduits at the Ayr Industrial Estate -TBSC/25/013

Executive Summary

This report to Council is in respect to the Ayr Industrial Estate Expansion project and engaging external contractor services to install electrical conduit works necessary to allow Electrical cables to be pulled and connected. The project plan and budget estimate were created on the basis of Council resources completing the works. However, due to impacts from the extended wet weather and other priorities for Council Resources, it has been decided to contract out the works to ensure that the project is completed in a reasonably timeframe.

Council went out to Tender on the 14 March 2025 with 70 companies reviewing the documentation. Council received proposals from five (5) companies when the request for tender closed on the 7 April 2025.

The purpose of this report is to seek Council's approval to award the above contract as per the companies stated in the recommendations below.

Recommendation

That Council endorses the following recommendation:

1. Zintrav Pty Ltd to be awarded the contract for the installation of electrical and communications conduits for the Ayr Industrial Estate for the total lump sum of \$404,726.00 GST exclusive.
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Resolution

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

CARRIED

7.5. WATER AND WASTEWATER**8. NOTICE OF MOTION****9. RECEIPT OF PETITIONS****10. CORRESPONDENCE FOR INFORMATION****11. COUNCILLOR REPORTS****11.1. Councillor Reports for March 2025****Recommendation**

That Council notes the March 2025 monthly reports.

Resolution

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

CARRIED

12. GENERAL BUSINESS**12.1. Upcoming Events - Councillor Furnell**

Councillor Furnell provided an update on upcoming events scheduled for the long weekend, which include Anzac Day commemorations, performances by the Burdekin Singers, the Canefield Ashes and the Burdekin Sugar Rush.

12.2. Letter of Recommendation - Clare Club - Mr. Magin

Mr. Magin informed the Council about a request from Councillor Hall, on behalf of the Clare Club, for a letter of recommendation to support their grant application to Pacific Blue for a new mower to maintain their grounds. Following discussion, it was agreed that the Mayor would provide the Clare Club with a letter of recommendation in support of their application for the new mower.

13. CLOSED BUSINESS ITEMS

14. DELEGATION

There being no further business the meeting closed at 9.47am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 13 May 2025.

MAYOR
