



Burdekin Shire Council

AGENDA

ORDINARY COUNCIL MEETING

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

on 23 August 2022

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 - 9 August 2022

5. EXECUTIVE

5.1. CEO

5.1.1. Review of Revenue Assistance (Interest Free Loans) Policy

5.1.2. Council Participation in the North Queensland Parliamentary Delegation Organised by Townsville Enterprise Limited - 12 to 15 September 2022 - Canberra

5.2. ECONOMIC DEVELOPMENT

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.2. COMMUNITY DEVELOPMENT

6.2.1. Community Builders and Capacity Building - Action Plan

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.3.1. Monthly Financial Report - July 2022

6.4. GOVERNANCE

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.2. OPERATIONS

7.3. PLANNING AND DEVELOPMENT

7.3.1. Change of Representations on Decision Notice - Material Change of Use - Backpackers Accommodation (Tourist Accommodation) - 13-15 Charles Street, Ayr (Lot 100 on A26511)

7.4. TECHNICAL SERVICES

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

12. CLOSED BUSINESS ITEMS

13. DELEGATION

4.1. MINUTES AND BUSINESS ARISING

Ordinary Council Meeting Minutes - 9 August 2022

Recommendation

That the minutes of the Ordinary Council Meeting held on 9 August 2022 be received as a true and correct record.

Attachments

1. Minutes - Ordinary Council Meeting - 9 August 2022



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 9 August 2022

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

1. ATTENDANCE

Councillor Lyn McLaughlin, Councillor Sue Perry, Councillor Kaylee Boccalatte, Councillor John Bonanno (arriving at 10.15am), Councillor Michael Detenon, Councillor Max Musumeci

Mr. T. Brennan - Chief Executive Officer

Mr. N. O'Connor – Director Corporate and Community Services

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

Mr. K. Byers - Manager Technical Services (Part)

Minutes Clerk - Ms. G. Biffanti

1.1. Approval Leave of Absence - Councillor Furnell - 14 to 10 August 2022

Resolution

Moved Councillor Perry, seconded Councillor Musumeci that Councillor Furnell be granted a leave of absence for 4 to 10 August 2022.

CARRIED

2. PRAYER

The meeting prayer was delivered by Pastor Ray Hobbs of the Seventh Day Adventist Church.

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor McLaughlin advised she had a Declarable Conflict of Interest in relation to Item 6.4.3 Tender Recommendation - TBSC/21/021 - Purchase and Removal of House (62 Twelfth Avenue, Home Hill) as she is a Life Member of the Burdekin Netball Association, which may benefit from the removal of the house and availability of the land. Councillor McLaughlin advised of her intention to leave the meeting during this discussion.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 26 July 2022

Recommendation

That the minutes of the Ordinary Council Meeting held on the 26 July 2022 be received as a true and correct record.

Resolution

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

CARRIED

4.2. Burdekin Shire Youth Council Meeting Minutes - 11 July 2022

Recommendation

Item 4 - Involvement in Sing It Out - Youth Mental Health Programs and Community Event
That Council notes the involvement of the Burdekin Shire Youth Council in the Sing It Out Concert held on 14 July 2022.

Item 5 - Involvement in Burdekin Relay for Life
That Council notes the involvement of the Burdekin Shire Youth Council in the Burdekin Relay for Life held on 30 July 2022.

Item 7 - Update on Burdekin Youth Strategy and Draft Youth Needs Survey
That Council notes the involvement and feedback from the Burdekin Shire Youth Council on the Draft Burdekin Youth Needs Survey.

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 11 July 2022 be noted; and
2. the recommendations as detailed in the minutes and summarised in Items 4,5 and 7 above be adopted.

Resolution

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

CARRIED

5. EXECUTIVE

5.1. CEO

5.1.1. Council Workshops - July 2022

Executive Summary

The Council conducted two (2) general workshops in July, with workshops held on 5 and 19 July 2022.

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

Recommendation

That the report on the Council workshops held on 5 and 19 July 2022 be received and noted.

Resolution

Moved Councillor Perry, seconded Councillor Musumeci 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

6.4. GOVERNANCE

6.4.1. Nomination of Burdekin Show Holiday Date for 2023

Executive Summary

Council has received correspondence from the Office of Industrial Relations inviting Council to make nomination for a show or special holiday for 2023.

Recommendation

That Council makes application to the Office of Industrial Relations for the appointment of the following public holiday in 2023:

- *Wednesday, 28 June 2023 – for the whole of the Burdekin Shire – Burdekin Annual Show Holiday.*

Resolution

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

CARRIED

6.4.2. Revised Complaints Management Policy

Executive Summary

Council's Complaints Management Policy is a statutory policy dealing with administrative action complaints and competitive neutrality complaints. The Policy was last reviewed and adopted by Council in February 2020 with a 24-month review period. The Policy has been reviewed and amended, with the proposed inclusion of a separate procedure for dealing with Competitive Neutrality Complaints.

Recommendation

That Council adopts the revised Complaints Management Policy and associated procedure documents as attached to this report.

Resolution

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

CARRIED

9.13am - Mr. Wellwood left the meeting.

9.15am - Mr. Wellwood entered the meeting.

6.4.3. Tender Recommendation - TBSC/21/021 - Purchase and Removal of House (62 Twelfth Avenue, Home Hill)

9.18am - Councillor McLaughlin left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 6.4.3 Tender Recommendation - TBSC/21/021 - Purchase and Removal of House (62 Twelfth Avenue, Home Hill) as she is a Life Member of the Burdekin Netball Association, which may benefit from the removal of the house and availability of the land.

Councillor Perry assumed the chair.

Executive Summary

The *Local Government Regulation 2012 (Qld)* requires a Local Government to invite written tenders for a non-current asset or offer a non-current asset for sale by auction, before entering into a valuable non-current asset contract.

On 21 June 2022, Council invited written tenders for the purchase and removal of the 62 Twelfth Avenue, Home Hill dwelling.

Recommendation

That Council accepts Mr. Ian Granshaw's tender to purchase the 62 Twelfth Avenue, Home Hill dwelling for \$1.10 (including GST) with removal of the dwelling to be completed by 30 March 2023.

Resolution

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

CARRIED

9.24am - Councillor McLaughlin returned to the meeting and resumed the chair.

6.4.4. Freehold Lease - Part of Lot 106 on Registered Plan 898777 - Ayr Aerodrome - Paul Anthony Walsh

Executive Summary

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

Lessor:	Burdekin Shire Council
Lessee:	Paul Anthony Walsh
Leased Area:	Lease 'M' in Part of Lot 106 on Registered Plan 898777
Term:	5 years plus 1 x 5 year Option
Expiry:	30 June 2027

Recommendation

That Council agree to enter into a Freehold Lease with Mr. Paul Anthony Walsh over part of Lot 106 on Registered Plan 898777 shown on attachment 1 as Lease 'M', for an initial five (5) year term with a five (5) year Option.

Resolution

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

CARRIED

6.4.5. Operational Plan Q4 Report

Executive Summary

Council's Annual Operational Plan sets out the activities and performance measures that have been agreed upon to achieve the objectives of the Corporate Plan. The Chief Executive Officer (CEO) is required to provide Council with a progress report every three (3)

months on the achievement of the Operational Plan activities.

The Operational Plan Q4 Report provides an overview of the achievements within each operational area of Council. As with previous operational plan reports, a traffic light system has been applied to provide an "at a glance" view of the status of each agreed activity. Overall, Council has performed well with a high percentage (86%) of activities considered to be "at or above" the agreed target. A further 12% of activities are considered to be "progressing" with only 1% of activities considered to be inactive and 1% under target.

Covid-19 has had some impact on Council's staffing levels throughout this quarter and there has been some staff vacancies within a few operational areas. This has had an impact on the number of activities considered to be "progressing" and has prevented activities from being completed according to the agreed targets.

Recommendation

That Council adopts the Operational Plan Q4 Report 2021/2022 as attached to this report.

Resolution

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

CARRIED

9.29am - 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. QBSC/22/029 - Provision of Security Services (Mobile Service) to Council Properties

Executive Summary

The current security contract for after hours security services for Burdekin Shire Council expired on 31/07/2022. This has been extended on a month to month basis while quotations were requested and assessable.

There is no major changes to the scope of security services from the current contract.

Chapter 6 Part 3 Division 2 Sections 224, 225 and Division 3 of the *Local Government Regulation Queensland 2012* requires Council to invite written quotations from at least three (3) persons for medium-sized contractual arrangements with a supplier that is expected to be worth over \$15,000.00 but less than \$200,000.00 excluding GST, in a financial year.

The provision of Security Services (Mobile Patrols) to Council Properties falls within this category.

Out of 10 suppliers notified, Council has received two (2) conforming responses, one from SAI Security, the second from SRW Security.

Recommendation

That Council accepts the written quotation submitted by SRW Security Services Pty for a twenty-three (23) month contract period, commencing 1 August 2022 for the amount of \$335,800.00 (including GST).

Resolution

Moved Councillor Boccalatte, seconded Councillor Perry that the recommendation be adopted.

FOR - Councillors Lyn McLaughlin, Sue Perry, Kaylee Boccalatte, Max Musumeci

AGAINST - Councillor Michael Detenon

4/1

CARRIED

7.4. TECHNICAL SERVICES

7.4.1. TBSC/22/010 – Supply and Delivery of 4WD & 2WD Utilities (Single, King, Dual Cabs) for the period to 30 June 2023

Executive Summary

The *Local Government Regulation Queensland 2012* requires Council to invite written tenders for large-sized contractual arrangements for goods and services purchased from a supplier that is expected to exceed \$200,000.00 ex GST per financial year. The purchase of the Light Vehicles (excluding full private use vehicles) is in this category.

Quotations were called for 4WD and 2WD Utilities in TBSC/22/010 - Supply and Delivery of 4WD and 2WD Utilities for the period to 30 June 2023.

Quotation closed on Wednesday, 27 July 2022. Current list of prequalified suppliers under the Local Buy Contract BUS 233-1112 showed two (2) local dealers, both were invited to offer quotations. The dealer's responses were from four (4) manufactures that consisted of twenty-one compliant utilities (4WD–12, 2WD–9). These quotations were assessed using a multi-criteria weighting method.

Recommendation

That Council accepts the quotations in TBSC/22/010 from Burdekin Motors Pty Ltd for Isuzu Dmax SX 4WD and 2WD utilities fitted with drop-side trays, tow bars and standard accessories for the 2022/2023. Total contract value for the current planned replacements of thirteen (13) utilities is \$486,000.00 excluding GST.

Resolution

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

CARRIED

7.4.2. TBSC/22/013 – Supply and Delivery of one (1) Backhoe with attachments

Executive Summary

The *Local Government Regulation Queensland 2012* requires Council to invite written tenders for large-sized contractual arrangements for goods and services purchased from a supplier that is expected to exceed \$200,000.00 ex GST per financial year. The purchase of the Backhoe is in the category.

Quotations were called in TBSC/22/013 - Supply and Delivery of one (1) Backhoe with attachments.

Quotation closed on Friday, 22 July 2022. Three (3) Prequalified suppliers were selected in the following Local Buy Contract NPN 2.15-2 Earth Moving Equipment.

The dealer's responses were from three (3) manufacturers that consisted of four backhoes. These quotations were assessed using a multi-criteria weighting method.

Recommendation

That Council accepts the quotation in TBSC/22/013 from Hastings Deering (Australia) Limited for the Caterpillar 432 Backhoe/industrial loader for a total of \$277,675.00 excluding GST.

Resolution

Moved Councillor Perry, seconded Councillor Boccalatte that the recommendation be adopted.

CARRIED

7.4.3. TBSC/22/012 – Request for Quotation for the supply and delivery of one (1) Pneumatic Tyre Roller

Executive Summary

The Local Government Regulation Queensland 2012 requires Council to invite written tenders for large-sized contractual arrangements for goods and services purchased from a supplier that is expected to exceed \$200,000.00 ex GST per financial year. The purchase of

the Pneumatic Tyre Roller is in the category.

Quotations were called in TBSC/22/012 - Supply and Delivery of one (1) Pneumatic Tyre Roller.

Quotation closed on Friday, 29 July 2022. Three (3) Prequalified suppliers were selected in the following Local Buy Contract NPN 2.15-2 Heavy Plant Machinery Equipment & Earth Moving Equipment.

The dealer's responses were from three (3) manufacturers that consisted of five (5) rollers. These quotations were assessed using a multi-criteria weighting method.

Recommendation

That Council accepts the quotation in TBSC/22/012 from Hastings Deering (Australia) Limited for the Caterpillar CW34 Pneumatic Tyre Roller for a total of \$218,169.37 excluding GST.

Resolution

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

CARRIED

9.58am - Mr. Byers left the meeting.

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

11.1. Proposed Motion - Local Government Association of Queensland 2022 Annual Conference

Recommendation

That Council approve the following motion to be submitted to the Local Government Association of Queensland for consideration at its 2022 Annual Conference:

That the Local Government Association of Queensland make representations to the State and Federal Governments seeking the allocation of specific funding to support Councils in the preparation of regional and local housing studies, including where appropriate the

development of Local Housing Action Plans.

Resolution

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

CARRIED

11.2. Urgent Request – Ayr State High School Interschool Athletic Carnival - 19 August 2022 – Watering Of Oval

Executive Summary

Council has received an urgent request from the Sports Co-Ordinator at the Ayr State High School for assistance with watering the school oval in the lead up to the annual Interschool Athletic Carnival on 19 August 2022. The irrigation pump that waters the oval has failed and will not be able to be repaired prior to the carnival. The request is for Council to provide a water cart truck to water the running track in the lead up to the athletic carnival.

Recommendation

That Council support the Ayr State High School urgent request for assistance in watering the running track ahead of the Interschool Athletic Carnival on 19 August 2022, by providing a Council water cart truck to water the track as a in kind support to assist with staging the carnival which includes all Burdekin District High Schools, given the one-off nature of the request.

Resolution

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

CARRIED

10.15am - Councillor Bonanno entered the meeting.

12. CLOSED BUSINESS ITEMS

13. DELEGATION

There being no further business the meeting closed at 10.40am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 23 August 2022.

MAYOR

5.1.1. CEO

Review of Revenue Assistance (Interest Free Loans) Policy

File Reference: 98

Report Author: Terry Brennan, Chief Executive Officer

Authoriser: Terry Brennan, Chief Executive Officer

Meeting Date: 23 August 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Operational Plan 2022-2023

CG5 Manage Council's Corporate Policy Program.

CG2 Administer Council's Revenue Financial Assistance Program (Interest Free Loans).

Executive Summary

The Revenue Assistance (Interest Free Loans) policy is an existing policy that is due for review during 2022. The purpose of the policy is to provide guidelines on the provision of interest free financial assistance to sporting, cultural and community organisations to upgrade their facilities on Burdekin Shire Council owned or controlled land.

The policy has been reviewed and there are some recommended changes to the wording with respect to the types of capital projects that can be funded under the policy. Some other minor changes have also been made as part of the review.

Recommendation

That Council adopt the revised Revenue Assistance (Interest Free Loans) policy as attached to the report.

Background

The Revenue Assistance (Interest Free Loans) policy is an existing Council policy that is used to provide interest free loans to local sporting, cultural and community organisations. The loans are used by the organisations to undertake capital projects for the upgrading of existing facilities or the purchase of specialised plant with a value greater than \$5,000.00. It is proposed to increase this amount to \$20,000 as part of the policy review.

The policy has been reviewed and as part of this process it was identified that the types of projects that it can be used for could be broadened to include not just specialised plant but also equipment. This is relevant to a request for assistance that Council has received from a community organisation to purchase specialised equipment to support its activities.

Generally, the policy applies to organisations that hold lease agreements with Council for occupation of Council owned or controlled land. There is provision for Council to exercise its discretion to approve applications from incorporated and not for profit organisations that do not hold lease agreements with Council, i.e. own the land to which the project relates. In these instances, a form of security needs to be provided i.e. mortgage over the property or provision of guarantors for the loan.

The maximum loan amount and term are set under a General Approval issued by the Queensland Treasurer and any proposed loans that fall outside of these provisions must receive separate Queensland Treasury approval.

Consultation

The proposed changes to the policy were discussed with councillors at the workshop held on 16 August 2022.

Budget & Resource Implications

Provision has been made for an overall limit of \$650,000.00 at any one time for the value of all outstanding loans.

Legal Authority & Implications

The policy references the requirement of the *Local Government Regulation 2012* and the *Statutory Bodies Financial Arrangements Act 1982*.

Policy Implications

The revised policy will replace the existing policy and Council's policy register will be updated.

Risk Implications (Strategic, Operational, Project Risks)

The policy seeks to manage Council's risk in relation to providing financial support to local sporting, cultural and community organisations through the provision of interest free loans for capital projects. There is a requirement for the provision of audited financial statements for the past two (2) years to enable an assessment to be made of the organisation's capacity to meet the loan repayments.

Attachments

1. Updated Revenue Assistance (Interest Free Loans) Policy

Policy Type	Corporate
Function	Community Assistance
Policy Owner	Manager Community Services
Policy Contact	Manager Community Services
Effective Date	23 August 2022

Purpose

The purpose of this policy is to provide guidelines on the provision of interest free financial assistance to sporting, cultural and community organisations to upgrade their facilities on Burdekin Shire Council owned or controlled land.

Scope

This policy applies to incorporated and not-for-profit sporting, cultural or community organisations that hold lease agreements with Burdekin Shire Council for occupation of Council owned or controlled land.

The Council reserves the right to exercise its discretion in considering and approving applications from incorporated and not-for-profit organisations that own the property to which the project relates.

Exceptions

This policy does not apply to loans for maintenance, minor repairs and moveable items, excluding items of specialised plant or equipment to a value greater than \$20,000.

Objectives

The objectives of this policy are:

- To encourage the ongoing social, cultural and sporting development within the Burdekin Shire Council area by supporting community initiatives.
- To encourage active participation in community activities through the provision of an interest free loan facility to eligible sporting and community organisations to fund capital projects and/or the purchase of specialised plant or equipment.
- To encourage applicants to make funding applications other than to Council, such as to the State and Federal Governments. The rationale for this is to maximise funding received into the Burdekin Shire from external sources.
- To limit the combined value of all outstanding loans under the policy at any one time to the amount set by Council, which is currently \$650,000. The total value cannot exceed the maximum amount set in the general approval issued by the Treasurer.

Principles

All applications for interest free loans will be assessed by merit against the eligibility criteria in an equitable and transparent process.

The loan term and repayments are to be determined by negotiation between the Council and the applicant, subject to the restrictions set for the maximum loan amount and the maximum loan term as determined by the Treasurer under the *Statutory Bodies Financial Arrangements Act 1982*. Refer Section 7 – Legislation. The loan term for specialised items of plant or equipment will not exceed the estimated life of that item.

The Council will require a mortgage or other form of security over the debt for any loans provided to an eligible organisation for projects not on Council owned or controlled land.

Should there be any default in repayment of the loan the Council may charge interest at the rate of 10% per annum.

Council will undertake a due diligence and probity check, in conjunction with Council's Auditors if required, to establish the ability of the applicant to service loan principal repayments.

Policy Statement

Eligibility Criteria

Applicants must be an incorporated and not-for-profit organisation.

Applicants must have a lease arrangement with the Council for occupation of the land in respect of the proposed project to be undertaken or, where Council exercises its discretion, own the property to which the project relates.

Applicants are required to demonstrate that they have made application for funding for the project to other funding sources to the satisfaction of Council.

Applications can be for projects that create permanent improvements or items considered to be fixed to a structure erected on Council owned or controlled land. This includes structural improvements of a fixed nature.

Applications can be for projects to purchase large items of specialised plant or equipment, to a value greater than \$20,000, such as tractor mowers and the like, to be used for the purpose of enhancing the activity of the sporting/cultural/community organisation.

Applicants must provide a full description of the project for which the interest free loan is sought and include with the application the following:

- An audited Annual Income and Expenditure Statement and Balance Sheet for the past 2 years
- A copy of the community group or organisation's constitution
- A copy of the minute passed at a meeting of the community group or organisation seeking the interest free loan from Council.

Conditions for the Purchase of Plant

In respect of financial assistance provided for the purchase of specialised plant or equipment, for the period of time during which monies are outstanding to the Council under an agreement made under this policy, the following conditions will apply:

- The applicant shall keep, repair and maintain the said specialised plant or equipment in good repair and condition.
- That any monies that are due and payable to the Council are in default and if the Council demands, the applicant shall forthwith deliver the item of plant or equipment to the Council for any action that it deems fit, including the sale thereof. If the sale proceeds are greater than the monies due and payable to the Council, together with the costs associated with the sale, the amount of surplus funds will be returned to the applicant.
- The applicant indemnifies and agrees to keep indemnified the Council against any claim arising out of or in any way connected with this transaction from the date of provision of the interest free loan, or any activity associated with the use of the item of plant or equipment (all referred to as "the indemnified acts or omissions") save to the extent that the claim arises as a result of any negligent act or omissions

of the parties, however any negligent act or omissions of one of the parties does not negate the indemnity to the other parties. The applicant releases and discharges the Council from any claim relating to the indemnified acts or omissions.

- The applicant shall during the term of this agreement until such time as all monies due and payable to the Council have been received by the Council, insure and keep insured in some public insurance office, the item of plant or equipment against loss or damage by fire, storm, tempest and theft to its full insurable value and will cause all monies received by virtue of such insurance to be forthwith laid out in re-instating the said item of plant or equipment so destroyed or damaged as aforesaid.
- The applicant must have in place a public liability insurance policy in the amount of \$20,000,000 (\$20 million) in respect of any liability at law, for any loss of or damage to any property or for the injury (including death) to any person arising out of anything done or omitted in respect of the use of the item of plant or equipment and against any claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof.
- The Council shall have the right from time to time personally or by their duly authorised agent or agents to enter upon land occupied by the applicant and at all reasonable times to view and examine the condition of the item of plant or equipment and may give to the applicant not less than 48 hours' notice in writing, specifying any repairs necessary to be done and requiring the applicant forthwith to execute the same and if the applicant shall not proceed diligently with the execution of such repairs, the Council may after the expiration of the period of notice enter upon the said land and execute such repairs and the costs thereof shall be a debt due from the applicant to the Council and forthwith recoverable by action.

Risk Management

Council's adopted Enterprise Risk Management Framework will be applied to all Interest Free Loans. Risk assessments will be carried out to identify high risk loan assistance issues such as inability to undertake reliable and regular repayments. Eligibility criteria will include the necessity to provide audited annual income and expenditure statement and balance sheet for the past 2 years to establish financial viability and acumen of the requesting organisation. Conditions for the purchase of specialised plant or equipment include the right of Council to inspect the plant or equipment to verify it is being kept in good condition and repair and that suitable public liability insurance is in place and current. A Council officer is tasked with monitoring repayments on all interest free loans and once an issue is identified then corrective action is escalated with both verbal and written contact with the lending organisation and ultimately with possible recoverable action if other avenues for repayment negotiation are exhausted.

Legislation

Local Government Act 2009

Local Government Regulation 2012

Statutory Bodies Financial Arrangements Act 1982

The provision of loans to eligible organisations by local governments is captured under the above Act and, as such, require the Treasurers approval. The Department of Local Government, Infrastructure and Planning has obtained from the Treasurer, on behalf of all local governments, a general approval for the provision of loans to community groups. The following conditions are attached to this approval:

- The maximum loan amount for each community organisation will be the lesser of the amount set out in a local government's policy on financial assistance or \$120,000.
- The maximum repayment term for each loan will be the lesser of the term set out in a local government's policy on financial assistance or ten years.
- The total value of outstanding loans to community organisations provided under this approval does not exceed \$2 million at any time for an individual local government.

For any loans that fall outside the above limits, the normal approval process through the Department is required.

Related Documents

Reference Number	Document Title
COM-FRM-0002	Interest Free Loans Scheme Application Form

Document History and Version Control

Title of Document	Revenue Assistance (Interest Free Loans) Policy
Document Reference Number	COM-POL-0001 Rev 2
Review Schedule	24 months
Council Meeting Date	23 August 2022
Council Resolution Number	1628428

5.1.2. CEO

Council Participation in the North Queensland Parliamentary Delegation Organised by Townsville Enterprise Limited - 12 to 15 September 2022 - Canberra

File Reference: 249

Report Author: Rosemarie Griffiths, Executive Secretary

Authoriser: Terry Brennan, Chief Executive Officer

Meeting Date: 23 August 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

2.2.2: Advocate for local and regional needs through lobbying and partnerships.

5.1.3: Foster cooperative and collaborative partnerships on matters of regional, state, and national importance.

5.1.4: Demonstrate the Council's strategic direction to government, business, and the community through strong leadership and advocacy.

Executive Summary

Townsville Enterprise Limited are organising a North Queensland Parliamentary Delegation to Canberra from 12 to 15 September 2022.

The purpose of this report is to seek Council's approval for the Mayor to participate in the Delegation.

Recommendation

That Council endorses the Mayor, Councillor Lyn McLaughlin to participate in the Townsville Enterprise Limited North Queensland Parliamentary Delegation travelling to Canberra from 12 to 15 September 2022, with all expenses of attendance at the Delegation be met by Council.

Background

Townsville Enterprise Limited have advised the North Queensland Regional Organisation of Councils (NQROC) that they are organising a North Queensland Parliamentary Delegation to Canberra from 12 to 15 September 2022.

The Delegation provides an opportunity for North Queensland Regional Organisation of Councils and Townsville Enterprise Limited to build relationships with the Federal Government Ministers and advocate as a region on priority projects and policies. It also provides an opportunity to ensure commitments discussed with the former Government will be honoured and retained in the upcoming Federal Budget.

Consultation

All Councillors and Chief Executive Officer.

Budget & Resource Implications

All expenses of attendance for the Delegation will be met by Council.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

Council needs to be kept informed of Government discussions as well as present a strong regional voice to the Federal Government, which is achieved through participation in the Delegation.

Attachments

None

6.2.1. COMMUNITY DEVELOPMENT

Community Builders and Capacity Building - Action Plan

File Reference: 2361

Report Author: Tony Blackwell, Manager Community Services

Authoriser: Nick O'Connor, Director Corporate and Community Services

Meeting Date: 23 August 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

1.1.1: Support projects and activities to improve public safety, health, and inclusiveness through strategic partnerships.

1.1.2: Encourage equitable access to facilities and resources.

1.1.3: Provide ongoing support for art, culture, youth, seniors, and welfare activities.

1.1.4: Build active communities by delivering programs promoting regular physical activity and wellbeing.

Burdekin Shire Council Operational Plan 2021-2022

CD1 Finalise and implement Council's Community Services Delivery Framework to ensure alignment with community needs.

CD2 Identify and facilitate relevant community events, activities and programs.

CD3 Build capacity and resilience of local , sport, recreation and community groups through the facilitation of appropriate forums and workshops.

CD7 Continue to foster partnerships with community welfare organisations within the Shire including the Burdekin Community Association and Burdekin Neighbourhood Centre to ensure a co-ordinated community- focussed approach.

CD12 Facilitate further community-led "Our Town Our Future" community consultation sessions.

Executive Summary

The report outlines a multi-level action plan that describes how the Community Builders and Capacity Building Program will undertake projects that deliver:

- Systemic Capacity Building and Change;
- Organisational Capacity Building;
- Community Capacity Building; and
- Individual Capacity Building.

Recommendation

That Council:

1. endorse the Community Builders and Capacity Building – Action Plan, Investing in Our People, Our Organisations Our Future as summarised in the report and
2. note the attached Project Plan, proposed approach, milestones, and timeline.

Background

Burdekin Council's commitment to Community efforts building aims to support and strengthen local community resilience and self-management for people and organisations through improving resident engagement, community planning, inclusive actions and policy making.

On 23 March 2021 Council approved funding from the Recovery and Resilience Grant for the Burdekin Community Builders Program. The program seeks to develop and deliver targeted community resilience and organisational capacity building training to support Burdekin's not for profit community, cultural and sporting organisations.

It is anticipated that a multi-level approach to capacity building will be undertaken using IAP2 and appreciative inquiry processes to determine and build capacity in local communities including:

- Inform
- Consult
- Involve
- Collaborate and
- Empower

Key, processes, and deliverables to achieve this include:

- Consulting with key stakeholders in identifying key organisational issues; pain points and priorities;
- Develop information and tools to support organisational good practice and sustainability and support volunteer capacity building;
- Develop a framework for community engagement and Capacity Building that provides an evidence based strategic direction to Council;
- Undertake Community Connect workshops with local community members to inform service planning; resource allocation processes and provides a local action plan for Council to report against;
- Develop a comprehensive and sustainable Community Directory for Burdekin residents; and
- Advocate for identified priorities at a State and National level.

Factors Crucial to the success of the project include:

- Human and Budget resource management;
- Identifying Council areas of direct responsibility and influence; and
- Managing stakeholder expectations. As outlined in the attached Action Plan.

Program logic evaluation will be undertaken as part of determining outputs and outcomes at project milestones including:

- Program Reach
- Efficacy
- Adoption
- Implementation; and
- Maintenance/Sustainability.

Consultation

Discussed with Councillors at the Council Workshop Meeting on 19 July 2022.

Budget & Resource Implications

This program is budgeted for as a part of the Recovery and Resilience Grant funding of \$300,000.00.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

Agile risk management is to be undertaken as a key part of project implementation to monitor brand and reputational risks.

Attachments

1. Community Capacity Building Action Plan

Community Capacity Building

“Investing in Our People; Our organisations
Our Future”

Background: Recovery and Resilience Grant

The Burdekin received up to \$857,000. No co-contribution was required.

The 5 strategic priorities are:

- ✓ Broadening the economic base,
- ✓ Building more resilient infrastructure,
- ✓ Building prosperous enterprises,
- ✓ **Fostering connected and cohesive communities,** and
- ✓ Supporting information enabled regions.



Approved Projects

At its 23 March 2021 Meeting Council approved the following candidate projects:

- Installation of Bypass Pipeline – Home Hill Water Tower: \$303,050.00
- Refurbishment of Ayr SES Headquarters: \$60,000.00
- Installation of Cyclone Shutters for Local Disaster Co-Ordination Centre: \$12,500.00
- Multi-Year Funding towards Sweet Days Hot Nights Festival: \$30,000.00
- Relocation of Giru Helipad to near SES building: \$50,000.00
- Burdekin Community Builders Program (to develop and deliver targeted community resilience and organisational capacity building training to support Burdekin's not for profit community, cultural and sporting organisations): \$300,000.00



Community Capacity Building

- Burdekin Council's commitment to Community efforts building aims to support and strengthen local community resilience and self-management for people and organisations through improving resident engagement, community planning, inclusive actions and policy making.



Vibrant
Community



Prosperous
Economy



Resilient
Infrastructure



Sustainable
Environment



High
Performing
Organisation

Approx. 16,844 people live in the Burdekin Shire (ABS Census 2016).



Burdekin
Shire Council

Proposed Approach


A multi-level approach will be undertaken using IAP2 and appreciative inquiry processes to determine and build capacity in local communities including:

- Systemic capacity building and change
- Organisational capacity building
- Community Capacity Building
- Individual capacity building

IAP2'S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION 

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Burdekin
Shire Council

1. **SYSTEMIC CAPACITY BUILDING AND CHANGE.**

Action	Details / Outcomes	Responsible	Timeframe/ Duration
Conduct Stakeholder Forum	Identify potential synergies and willingness to develop spirit of collaboration for shared planning and evidence base for joined up capacity building activities.	Nick, Tony & Sara	Sept 2022
Report Back to Council	Develop a framework for community engagement and Capacity Building.	Tony & Sara	Dec 2022



2. ORGANISATIONAL CAPACITY BUILDING

Project - Community/Sporting Organisation Capacity Building

Action	Details / Outcomes	Responsible	Timeframe
Map Key Stakeholders	Register on Burdekin Community Directory	Rachel	Aug 22
Inform	Inform educate on project aims	Sara/Nathan	Aug 22
Community Grant Writing Vidcast	Web based information and support.	Sara/Janice	Aug 22
Develop sustainable Directory		Rachel	
Engage Community/Sporting Organisations– Survey to determine needs and pain points such as governance & leadership capability; operational capability and sustainability	Conduct surveys and analyse policy	Sara/Rachel	Sept 22
	Determine common priority issues		
	Analyse strength of networks and identify partnership opportunities.	Tony/Sara	Sept 22
Consult and involve Community/Sporting Organisations workshop design.	Contact and establish networks using existing data and lists.	Sara Smith	Oct 22
	Develop workshop program		
Marketing & Media	Marketing around consultation and identification of what is important to each organisation.		
Facilitate Program/training and conduct workshops	Conduct governance & leadership capability training with Committee members (Post AGM)	Tony/Sara	Nov/Dec22
	Conduct workshops on strengthening operational capability people assets \$.	Tony/Sara	Mar/Apr 23
Develop information and tools to support organisational good practice and sustainability.	Develop a Council web-based Resource and knowledge hub portal that:-	Sara/Rachel	Jan 23
	<ul style="list-style-type: none"> • Informs and supports; • Good governance & leadership capability; • operational capability; and • sustainability and partnerships. 		
Identify opportunities for funding support and sustainability	Dependant on identified needs from Community and Sporting Organisations	Tony/Janice	Nov 22-Mar 23

1. INDIVIDUAL CAPACITY BUILDING

Action	Outcomes	Responsible	Timeframe
Project - Volunteer Capacity Building			
Identify key stakeholders' areas of need and interest	Using need analysis and stakeholder survey establish a short list of potential workshops.	Sara / Rachel	Sept 22
	Community Pop ups.	Sara	
	Conduct surveys and analyse issues and policy environment	Tony/Sara	Sept 22
	Determine common priority themes.		Sept 22
Report to Council	Report on key findings and opportunities to strengthen volunteerism		Nov 22
Volunteer Recognition Program – Australia Day	Nominations	Mel	Oct 22
	Panel selection volunteers		Jan 23
	Hold Volunteer awards		
Planning for Volunteer support activities	Working in conjunction with CD - ED Team and stakeholders working group begin planning stages and potential format of Volunteer support activities.	Sarah	Mar/Apr
Volunteer Support& capacity Building.	Volunteer Recruitment & Retention	Sara	Aug 23
	Avoiding burnout – positive mental health strategies		
	Virtual & Micro volunteering		
	Succession Planning – engaging young people		
	Social Media		
	Grant writing workshops		

Community Connect

“Investing in Our Towns Our Future”

Development of 'Our Town Our Future'

Council is committed to facilitating and supporting active community engagement in activities that strengthen community capacity and that are consistent with advancing Councils Vision, Mission, and Corporate Strategy.



Vibrant
Community



Prosperous
Economy



Resilient
Infrastructure



Sustainable
Environment



High
Performing
Organisation

- ✓ Council recognises not all Our people are not all the same...
- ✓ Council successfully piloted the 'Our Town Our Future' pilot program, in Giru



Purpose

To improve the health and wellbeing of residents within the Shire.

“Council recognises that strengthening local engagement; strengthens social connectedness, liveability including cultural; economic and cultural inclusion which ultimately builds safer, caring, connected and a more resilient community.”



Burdekin
Shire Council

Proposed Approach

Action	Details / Outcomes	Responsible	Timeframe/ Duration
Alva Beach			
Commence contacting key stakeholders including school principal / school leaders / Rita Island community groups; etc.	Preparation of data and materials for of media of information which could include a short video of talking about their community.	Sara Smith Nathan Toll	July 2022
Community Marketing & Media Campaign	Community members informed to have their say and be involved in Community Connect community workshop.	Nathan Toll	26 -30 July 2022
Commence workshop compiling draft CAP through dotmocracy process.	Identify what could enhance the 'liveability' of the community. Identify achievable outcomes which could be successfully supported by Council.	Community Development Team	Mid-August 2022
Alva Community feedback to community	Provide feedback to community via email and online engagement. Survey online forum etc.	Sara Smith	August 2022
Draft Action Plan	Identify key priorities and finalise draft to Council.	Tony Blackwell Sara Smith	Sept 2022
Review of Alva Community Connect Program (REALM)	Review the roll out of the program and identify what worked well.	Community Development Team	Sept 2022
Alva Beach	Preparation of data and materials for of media of information which could include a short video of talking about their community.	Sara Smith Nathan Toll	Sept 2022
Council Report	Report key findings and Draft Alva Community Action Plan	Council	20 Sept 2022
Note: rolling schedules of Community Connect workshops .	Refer to Community Connect Project Plan		

Next Steps

1. **Endorsement**
2. **Inform / Engagement**
3. **Rolling Workshops – commencing Aug**
4. **Review and Evaluate**
5. **Community capacity building action plan**
6. **Complete Capacity Building projects by 1 December 2023.**



6.3.1. FINANCIAL AND ADMINISTRATIVE SERVICES

Monthly Financial Report - July 2022

Recommendation

That the Monthly Financial Report for Period Ending 31 July 2022 be received.

Attachments

1. Monthly Financial Report - July 2022
2. July 2022 - Capital PCG - 2022-2023

The following report provides a summary of Council's financial performance to 31 July 2022.

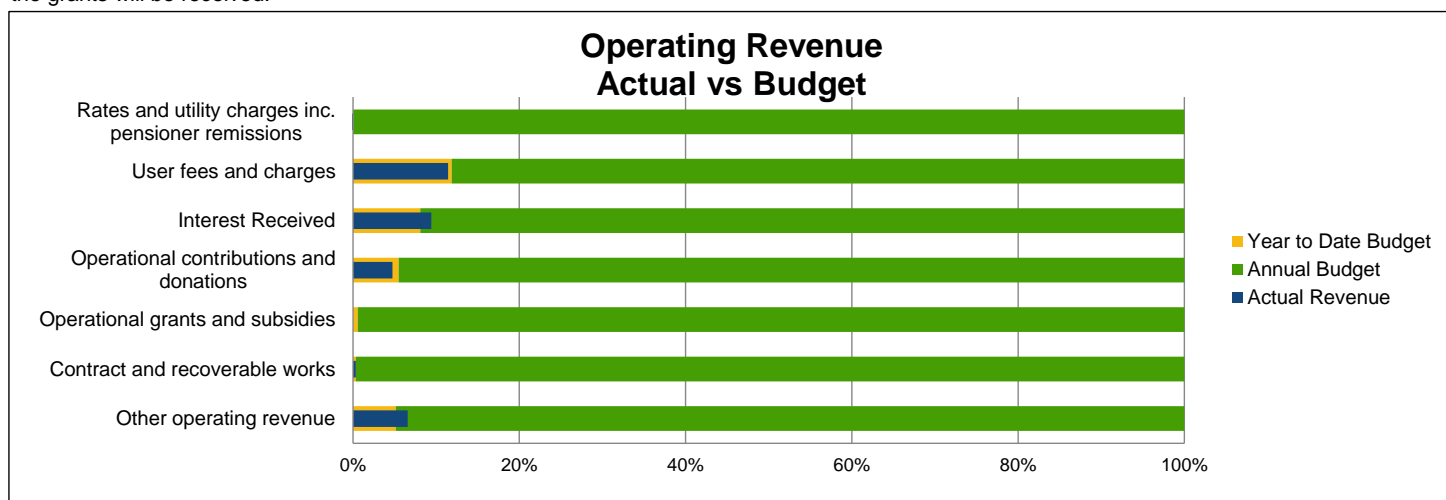
FINANCIAL STATEMENTS AT A GLANCE

As at 31 July 2022	Actual \$	Annual Budget \$	YTD Original Budget \$	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Total Operating Revenue	-672,037	54,136,851	465,210	-1,137,247	-244%
Total Operating Expenses	4,294,529	54,102,824	5,524,609	-1,230,080	-22%
Operating Position	-4,966,566	34,027	-5,059,399	92,833	-2%
Capital Revenue	103,500	14,411,641	14,411,641	-14,308,141	-99%
Net Result	-4,863,066	14,445,668	9,352,242	-14,215,308	-152%

This report contains financial information for the period ending 31 July 2022. Council's operating position at month end is a \$4.97M deficit.

The operating revenue is a negative balance due to the reversal of accrued revenue for 2021/22 water consumption levied in August.

Capital Revenue includes capital grants which are budgeted to be received in July. The nature of capital grants means that it is often unknown when the grants will be received.

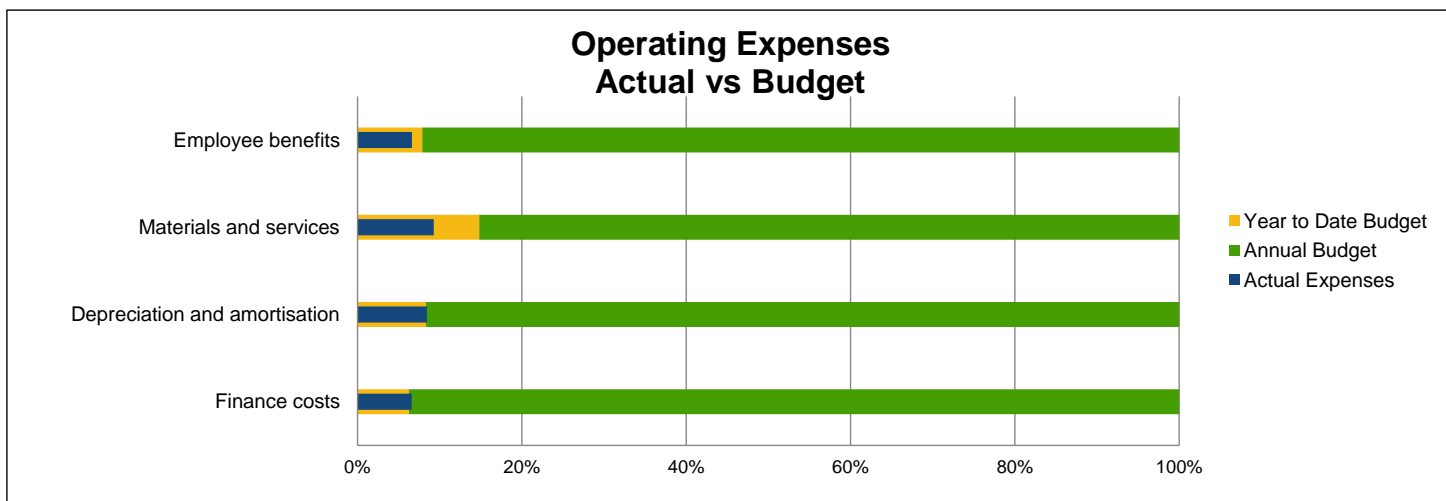


Over Budget:

- Interest received: Over year to date for interest on investments as the current interest rates are higher than the conservative estimates.
- Other operating revenue: Container Refund Scheme and Tourism membership fees received ahead of budget. Unbudgeted donation received for Sweet Days Hot Nights festival.

Under Budget:

- Operational grants and subsidies: Fuel tax credit, NQ Recovery and Resilience Grant, and Apprenticeship Incentive Payments not yet received.



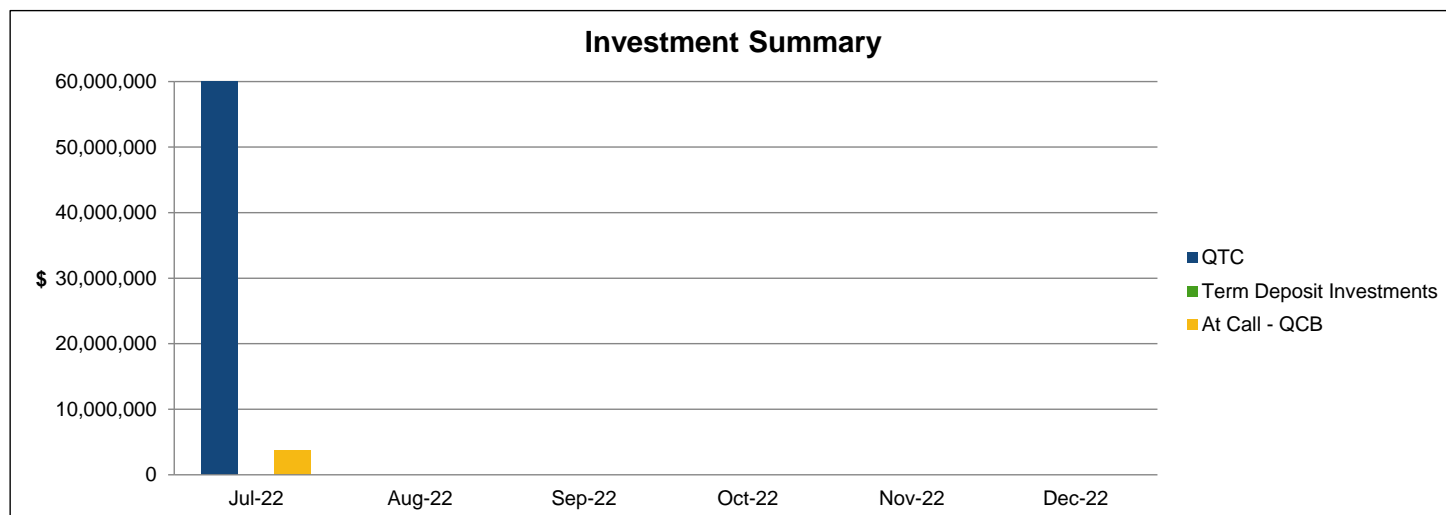
Under Budget:

- Employee Benefits: Employee related costs spread evenly over year. Spread will be amended in first revised budget. Also under budget due to staff vacancies.
- Materials and services: Under budget due to reversal of expenses accrued back into the 2021/22 financial year and annual insurance premiums to be paid in August.

INVESTMENT PORTFOLIO

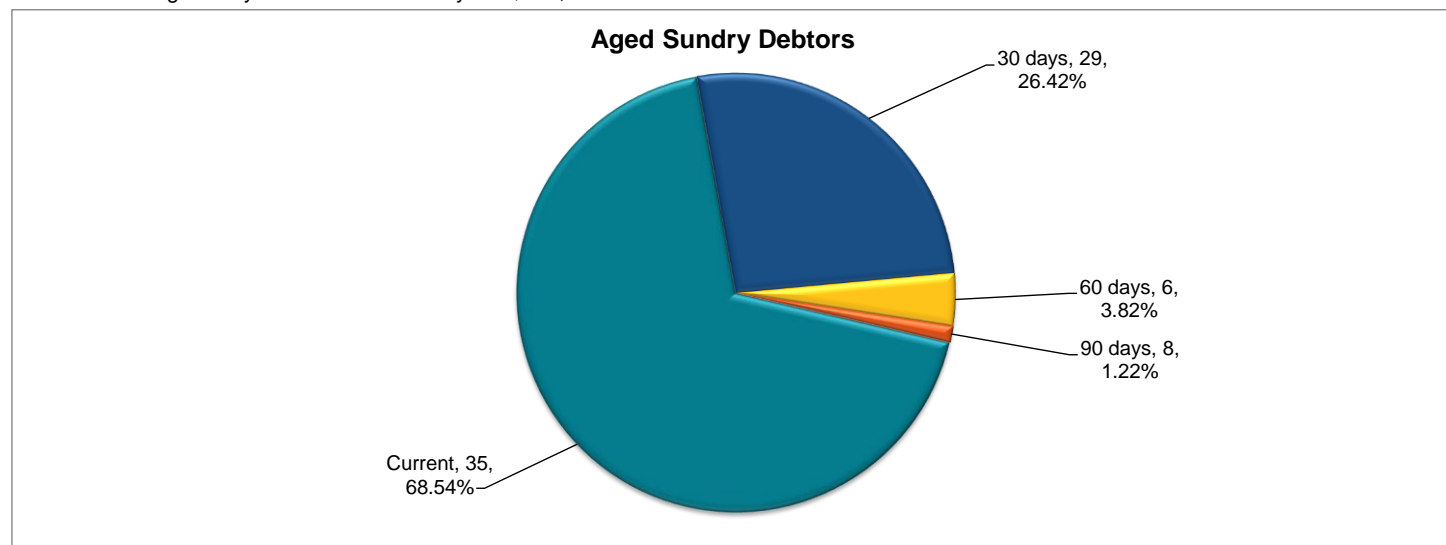
Investment Report as at 31 July 2022 (including at call cash)

	Total Invested	Average Current Rate Weighted	% Invested
QTC	61,683,880	1.91%	94.29%
QCB General	3,733,887	0.85%	5.71%
Total Funds	\$65,417,767		



SUNDRY DEBTORS

Total outstanding Sundry Debtors as at 31 July are \$253,779.



RATES

Rates Debt Recovery

Collection House - Debt Referral

With the preparation of the 2022/23 Annual Levy, minimal files were referred to Collection House during the month of July. Council currently has 103 active files with Collection House with an outstanding balance of \$289,266.90.

Council Periodic Payment Plans

All periodic payment plans for 2021/22 were finalised except for four outstanding arrangements which require customer follow up. These properties will continue to accrue interest and be recorded as a Balance Brought Forward on relevant ratepayers' 2022/2023 Annual Rate Notice. Council received two new applications for periodic payments in July for the 2022/23 financial year.

Collection House - Sale of Land

On the 4 May 2022, one property was passed in at Auction. A Sales Notice for this property has now been advertised on Council's website. No offers have been received to date.

OVERVIEW OF COUNCIL'S CAPITAL PROJECTS

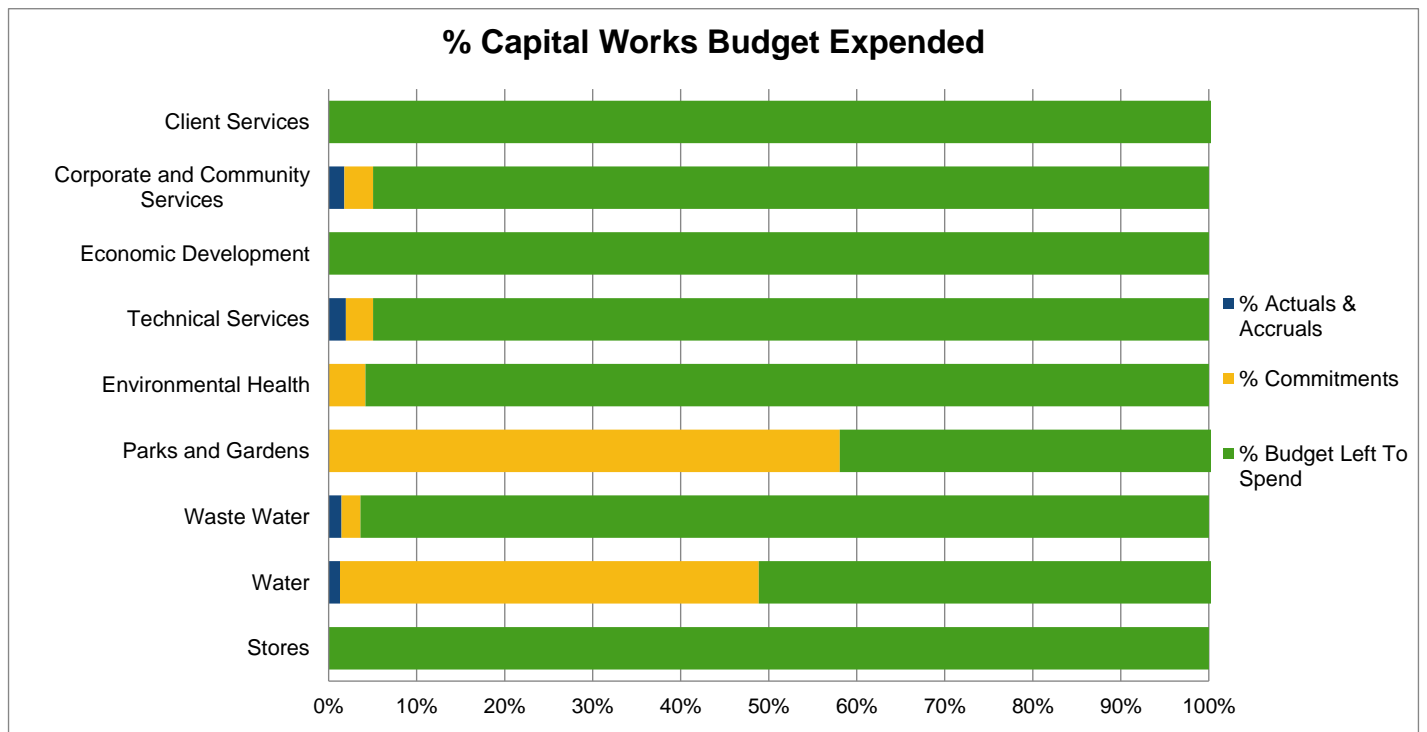
Capital expenditure incurred for the year to 31 July, is shown by asset category in the table below.

Capital project expenditure to 31 July is \$411,686. In addition to this, there is \$7,269,202 of commitments. Therefore totalling \$7,680,888.

Financial Overview by Asset Category

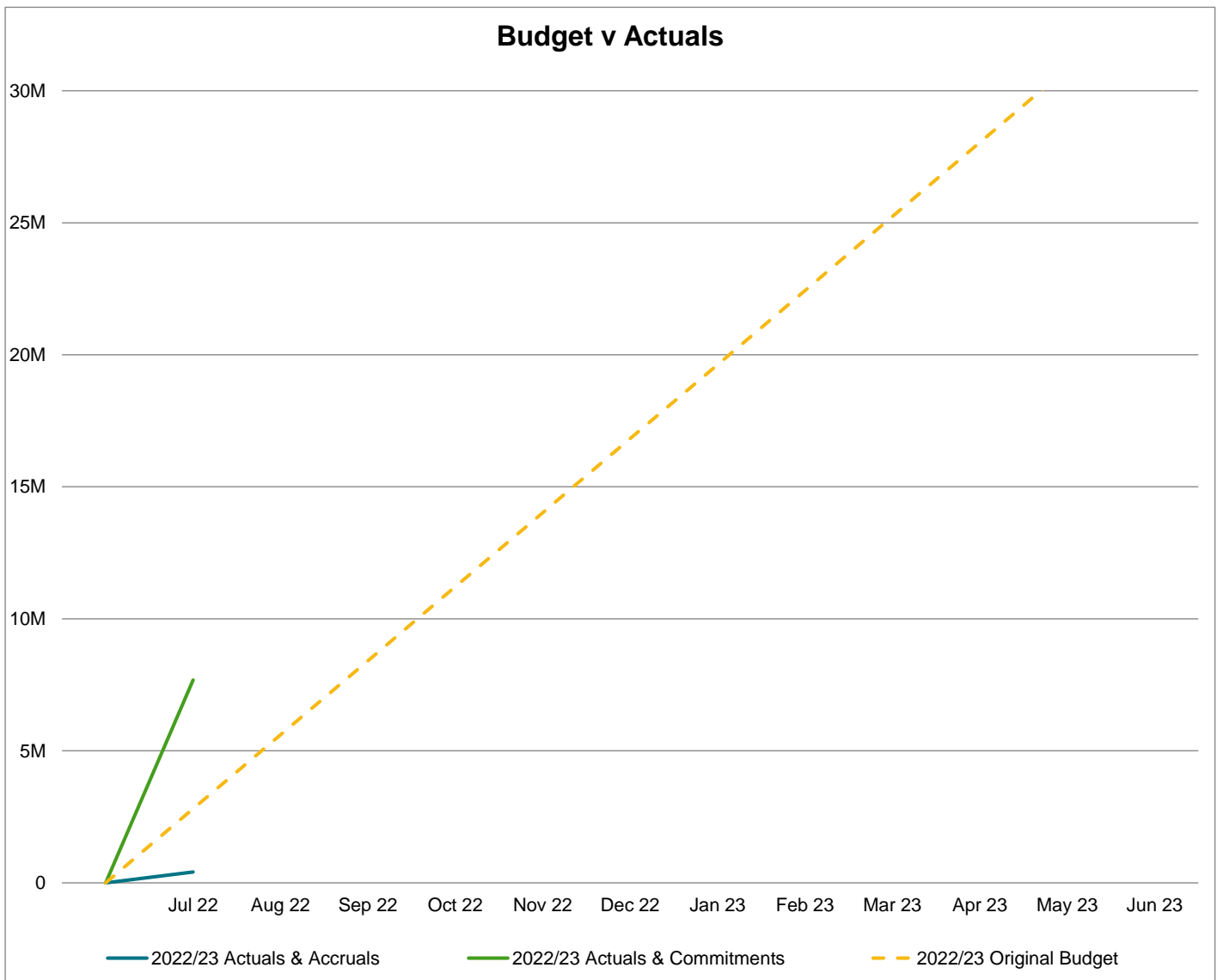
Asset Category	Original Budget	Revised Budget	Actuals & Accruals	Commitments	Total
Client Services	\$ 196,000	\$ -	-\$ 43,989	\$ -	-\$ 43,989
Corporate and Community Services	\$ 2,622,700	\$ -	\$ 46,834	\$ 85,308	\$ 132,142
Economic Development	\$ 30,000	\$ -	\$ -	\$ -	\$ -
Technical Services	\$ 13,199,000	\$ -	\$ 257,676	\$ 408,895	\$ 666,571
Environmental Health	\$ 335,000	\$ -	\$ -	\$ 13,975	\$ 13,975
Parks and Gardens	\$ 4,898,520	\$ -	-\$ 15,299	\$ 2,844,335	\$ 2,829,036
Waste Water	\$ 4,250,000	\$ -	\$ 61,816	\$ 91,354	\$ 153,170
Water	\$ 8,040,483	\$ -	\$ 104,648	\$ 3,825,335	\$ 3,929,983
Stores	\$ 75,000	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 33,646,703	\$ -	\$ 411,686	\$ 7,269,202	\$ 7,680,888

The below graph shows, by Asset Category, how much Council has spent (including accruals) on Capital Projects, compared to each budget.



Extended information on individual projects has been provided to Council in a separate dashboard report.

OVERVIEW OF COUNCIL'S CAPITAL PROJECTS



Actuals and Accruals include payments made and materials/services received but not yet invoiced.

Actuals and Commitments include payments made, accrual transactions and purchase orders raised for materials/services not yet provided/supplied.

APPENDIX 1 - OPERATING STATEMENT BY MANAGER

Attached are the Operating Statement Reports by Manager - please refer to these report for individual comments.

APPENDIX 2 - TOTAL COUNCIL OPERATING STATEMENT

Attached is the Total Council Operating Statement for your information.

APPENDIX 3 - STATEMENT OF FINANCIAL POSITION

Attached is the Statement of Financial Position as at 31 July 2022.

APPENDIX 4 - STATEMENT OF CASH FLOWS

Attached is the Statement of Cash Flows for the period ending 31 July 2022.

OPERATING STATEMENT
Period Ending 31 July 2022

Chief Executive Officer

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
Operational contributions and donations	0	0	67	-67	-100%
Other operating revenue	4,873	4,873	292	4,581	1571%
Total operating revenue	4,873	4,873	358	4,514	1260%
Operating Expenses					
Employee benefits	95,315	95,315	106,968	-11,653	-11%
Materials and services	17,201	17,201	47,295	-30,093	-64%
Total operating costs	112,516	112,516	154,262	-41,746	-27%
Surplus (deficit) from operating activities	-107,643	-107,643	-153,904	46,261	-30%
Net result for period	-107,643	-107,643	-153,904	46,261	-30%

Comments

Other operating revenue

Tourism membership fees, and unbudgeted donation received for Sweet Days Hot Nights Festival.

Employee benefits

Under year to date budget due to staff leave taken during July.

Materials and services

Under year to date budget for subscriptions, with Townsville Enterprise Limited membership paid in August.

OPERATING STATEMENT
Period Ending 31 July 2022

Director of Corporate & Community Services

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
User fees and charges	2,710	2,710	6,517	-3,807	-58%
Other operating revenue	0	0	208	-208	-100%
Total operating revenue	2,710	2,710	6,725	-4,015	-60%
Operating Expenses					
Employee benefits	51,161	51,161	60,919	-9,759	-16%
Materials and services	-25,098	-25,098	47,543	-72,640	-153%
Depreciation and amortisation	116,077	116,077	115,750	327	0%
Total operating costs	142,140	142,140	224,212	-82,072	-37%
Surplus (deficit) from operating activities	-139,430	-139,430	-217,487	78,056	-36%
Capital grants and subsidies	0	0	1,100,000	-1,100,000	-100%
Net result for period	-139,430	-139,430	882,513	-1,021,944	-116%

Comments

User fees and charges

Paddock Rental, Agistment, and Aerodrome annual leases to be invoiced in August 2022.

Employee benefits

Under budget due to sick and annual leave taken.

Materials and services

Under year to date budget due to PCYC annual payment and internal audit payment accrued back to the 2021/22 financial year and invoices not yet received. This is offset by payment of the first RADF funding round.

Capital grants and subsidies

Grants not yet received for Ayr Industrial Estate project.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Client Services

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
Other operating revenue	115	115	3,433	-3,318	-97%
Total operating revenue	115	115	3,433	-3,318	-97%
Operating Expenses					
Employee benefits	116,402	116,402	215,728	-99,326	-46%
Materials and services	795,537	795,537	777,511	18,026	2%
Total operating costs	911,940	911,940	993,240	-81,300	-8%
Surplus (deficit) from operating activities	-911,825	-911,825	-989,806	77,982	-8%
Net result for period	-911,825	-911,825	-989,806	77,982	-8%

Comments

Other operating revenue

Funds received for scrap metal sale (old ICT equipment). Budget includes Qld Local Government Workcare for reimbursement of wages. Workcare payments are received as the need arises and therefore often varies to budget.

Employee benefits

All Client Services departments slightly under budget due to staff vacancies.

Corporate sick Leave and Long Service Leave over budget. Superannuation, Workers Compensation, and Statutory Holidays all under budget due to split of budget over year.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Community Services

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
User fees and charges	12,903	12,903	18,375	-5,472	-30%
Operational grants and subsidies	0	0	10,956	-10,956	-100%
Other operating revenue	7,424	7,424	6,771	654	10%
Total operating revenue	20,328	20,328	36,102	-15,774	-44%
Operating Expenses					
Employee benefits	135,823	135,823	149,468	-13,645	-9%
Materials and services	76,422	76,422	177,717	-101,295	-57%
Depreciation and amortisation	8,654	8,654	8,333	321	4%
Total operating costs	220,899	220,899	335,518	-114,619	-34%
Surplus (deficit) from operating activities	-200,571	-200,571	-299,416	98,845	-33%
Capital grants and subsidies	0	0	80,000	-80,000	-100%
Net result for period	-200,571	-200,571	-219,416	18,845	-9%

Comments

User fees and charges:

Under year to date budget for hire fees for the Burdekin Memorial Hall.

Operational grants and subsidies

NQ Recovery and Resilience Grant for Community Capacity officer budget monthly, however is paid on completion of milestones.

Employee benefits

Under budget due to sick leave at Library, and cultural venues casuals not fully utilised.

Materials and services

Under budget due to timing of insurance payment.

Capital contributions

Queensland State Library grant received quarterly.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Environmental & Health Services - Waste Program

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
User fees and charges	14,641	14,641	8,083	6,558	81%
Interest Received	9,961	9,961	9,017	944	10%
Other operating revenue	12,211	12,211	8,133	4,077	50%
Total operating revenue	36,813	36,813	25,233	11,580	46%
Operating Expenses					
Employee benefits	57,094	57,094	71,162	-14,068	-20%
Materials and services	71,407	71,407	107,040	-35,634	-33%
Depreciation and amortisation	36,481	36,481	35,883	598	2%
Total operating costs	164,981	164,981	214,086	-49,105	-23%
Surplus (deficit) from operating activities	-128,168	-128,168	-188,852	60,684	-32%
Net result for period	-128,168	-128,168	-188,852	60,684	-32%

Comments

User fees and charges

Over budget due to budget spread with Giru Transfer Station income budgeted quarterly, and Waste Levy income for Water and Waste Water projects budgeted from August.

Other operating revenue

Container Refund Scheme income received ahead of budget.

Employee benefits

Under budget due to reduction in casual utilisation, staff taking leave, and staff vacancy.

Materials and services

Under budget due to timing of insurance payment. Plant hire external payments accrued back to 2021/22 financial year and invoices yet to be received.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Environmental & Health Services excluding Waste Program

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
User fees and charges	130,059	130,059	133,160	-3,101	-2%
Operational contributions and donations	3,099	3,099	12,989	-9,890	-76%
Other operating revenue	352	352	583	-232	-40%
Total operating revenue	133,510	133,510	146,732	-13,223	-9%
Operating Expenses					
Employee benefits	99,743	99,743	120,489	-20,746	-17%
Materials and services	78,742	78,742	180,413	-101,671	-56%
Depreciation and amortisation	27,967	27,967	28,142	-175	-1%
Total operating costs	206,451	206,451	329,043	-122,592	-37%
Surplus (deficit) from operating activities	-72,942	-72,942	-182,311	109,369	-60%
 Capital grants and subsidies	 0	 0	 1,609,520	 -1,609,520	 -100%
Net result for period	-72,942	-72,942	1,427,209	-1,500,151	-105%

Comments

Operational contributions and donations

Under budget due to budget spread - Riparian Management Agreement aquatic weed income due in February 2023, and Siam weed contribution yet to be received. Also under budget in herbicide subsidy landowner contributions.

Employee benefits

Under year to date budget due to sick and annual leave taken during July.

Materials and services

Under budget due to timing of payment for Burdekin Aquatic Study, Caravan Park contract payments, Caravan Park insurance payment, and helicopter work for Siam project.

Capital grants and subsidies

Capital budget for design and construction and site works at Burdekin water park.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Financial and Administrative Services

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
User fees and charges	6,147	6,147	28,500	-22,353	-78%
Interest Received	51,989	51,989	43,392	8,597	20%
Operational grants and subsidies	0	0	6,750	-6,750	-100%
Other operating revenue	32	32	0	32	-
Total operating revenue	58,168	58,168	78,642	-20,473	-26%
Operating Expenses					
Employee benefits	139,260	139,260	141,577	-2,317	-2%
Materials and services	234,747	234,747	401,982	-167,235	-42%
Depreciation and amortisation	40,351	40,351	40,375	-24	0%
Finance Costs	5,261	5,261	5,000	261	5%
Total operating costs	419,619	419,619	588,934	-169,315	-29%
Surplus (deficit) from operating activities	-361,450	-361,450	-510,293	148,842	-29%
Net result for period	-361,450	-361,450	-510,293	148,842	-29%

Comments

User fees and charges

Annual Tramway Permit invoice yet to be raised.

Interest Received

Over year to date for interest on investments as the current interest rates are higher than the conservative estimates.

Operational grants and subsidies

Apprenticeship Incentive payments not yet received.

Materials and services

Under year to date budget due to reversal of accrual for 2022 valuation services annual fee, invoice to be received in August. Also under budget due to the timing of annual payment for subscriptions.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Operations - General Fund

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
User fees and charges	2,576	2,576	15,700	-13,124	-84%
Operational contributions and donations	8,182	8,182	0	8,182	-
Contract and recoverable works	6,210	6,210	6,000	210	3%
Other operating revenue	502	502	0	502	-
Total operating revenue	17,469	17,469	21,700	-4,231	-19%
Operating Expenses					
Employee benefits	354,874	354,874	387,800	-32,926	-8%
Materials and services	242,299	242,299	412,300	-170,001	-41%
Depreciation and amortisation	76,516	76,516	80,083	-3,568	-4%
Total operating costs	673,689	673,689	880,184	-206,495	-23%
Surplus (deficit) from operating activities	-656,220	-656,220	-858,484	202,264	-24%
Capital contributions	0	0	30,000	-30,000	-100%
Net result for period	-656,220	-656,220	-828,484	172,264	-21%

Comments

User fees and charges

Revenue from fees and charges for Cemeteries is typically low compared to budget forecast for July. Fees and charges are equally proportioned over twelve months and will stabilise in future reporting periods. Income in this period is from cemetery permits, preparation fees for the Bush Chapel, Q100 flood certificates and the sale of second hand culverts.

Operational contributions and donations

Income received in the period from Home Hill Boat Club and camping donations from Funny Dunny Park.

Employee benefits

Under budget Parks Operations, Cemeteries, Roads Maintenance and Drainage Maintenance. Variation is in part due to employee leave and vacant positions but mainly attributable to emphasis on Capital Works program delivery.

Materials and services

Under budget Parks Operations, Boat Ramps, Roads Maintenance and Drainage Maintenance, mainly attributable to emphasis on Capital Works program delivery.

Capital contributions

Budget is for contribution to relocate BBQ at Plantation Park.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Operations - Sewerage

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
User fees and charges	918	918	0	918	-
Interest Received	24,895	24,895	21,525	3,370	16%
Total operating revenue	25,813	25,813	21,525	4,288	20%
Operating Expenses					
Employee benefits	99,593	99,593	112,615	-13,022	-12%
Materials and services	71,302	71,302	172,033	-100,731	-59%
Depreciation and amortisation	130,238	130,238	130,158	80	0%
Total operating costs	301,134	301,134	414,807	-113,673	-27%
Surplus (deficit) from operating activities	-275,321	-275,321	-393,282	117,961	-30%
 Capital grants and subsidies	 0	 0	 1,870,000	 -1,870,000	 -100%
Net result for period	-275,321	-275,321	1,476,718	-1,752,039	-119%

Comments
User fees and charges

Income in the period is from two post construction CCTV inspections of new sewer connection installed as part of a property redevelopment.

Interest Received

Over year to date for interest on investments as the current interest rates are higher than the conservative estimates.

Employee benefits

Under year to date budget largely due to vacancies and annual leave. Seasonal factors also impact on the number of call outs during the drier cooler months.

Materials and services

Under budget due to timing of insurance payment.

Capital grants and subsidies

Budget is for Macro Algal Treatment Construction LGGSP grant, and Ayr Industrial Estate project funding; both not yet received.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Operations - Water

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
Rates and Utility Charges	-1,114,120	-1,114,120	0	-1,114,120	-
User fees and charges	9,293	9,293	3,400	5,893	173%
Interest Received	12,906	12,906	11,708	1,197	10%
Other operating revenue	0	0	100	-100	-100%
Total operating revenue	-1,091,920	-1,091,920	15,208	-1,107,129	-7280%
Operating Expenses					
Employee benefits	93,188	93,188	108,513	-15,325	-14%
Materials and services	72,803	72,803	197,350	-124,547	-63%
Depreciation and amortisation	74,207	74,207	81,083	-6,876	-8%
Total operating costs	240,198	240,198	386,946	-146,748	-38%
Surplus (deficit) from operating activities	-1,332,118	-1,332,118	-371,738	-960,380	258%
Capital grants and subsidies	0	0	5,985,000	-5,985,000	-100%
Net result for period	-1,332,118	-1,332,118	5,613,262	-6,945,380	-124%

Comments
Rates and Utility Charges

The negative balance represents a reversal of accrued revenue for 2021/22 second half water consumption levied in August.

User fees and charges

Revenue in the period relates to charges to install four new property connections to the water supply network. This revenue stream captures minor fees and charges collected throughout the year from property connections and rental income relating to leases at the Ayr Water Tower.

Interest Received

Over year to date for interest on investments as the current interest rates are higher than the conservative estimates.

Employee benefits

Under year to date budget largely due to vacancies and annual leave. Seasonal factors also impact on the number of call outs as water consumption reduces during cooler months.

Materials and services

Under budget due to timing of insurance payment.

Capital grants and subsidies

Budget is for completion of the Ayr Water Supply resiliency project Stage 2, with grant funds not yet received.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Planning and Development

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
User fees and charges	42,987	42,987	30,833	12,154	39%
Total operating revenue	42,987	42,987	30,833	12,154	39%
Operating Expenses					
Employee benefits	93,202	93,202	90,615	2,587	3%
Materials and services	7,751	7,751	13,321	-5,569	-42%
Total operating costs	100,954	100,954	103,936	-2,983	-3%
Surplus (deficit) from operating activities	-57,967	-57,967	-73,103	15,136	-21%
Net result for period	-57,967	-57,967	-73,103	15,136	-21%

Comments

User fees and charges

User fees and charges are over budget for July as Council is experiencing a high level of development applications for planning, building and plumbing. This is reflective of a state wide trend present in the development and building industry.

Materials and services

Materials and services are under budget in July for Legal and Consultants Fees.

OPERATING STATEMENT
Period Ending 31 July 2022

Manager Technical Services

	Month of July Actual	Year to Date Actual	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue					
User fees and charges	77,098	77,098	65,800	11,298	17%
Operational grants and subsidies	0	0	12,500	-12,500	-100%
Other operating revenue	0	0	417	-417	-100%
Total operating revenue	77,098	77,098	78,717	-1,618	-2%
Operating Expenses					
Employee benefits	155,213	155,213	215,808	-60,595	-28%
Materials and services	-43,196	-43,196	19,958	-63,154	-316%
Depreciation and amortisation	687,992	687,992	663,675	24,317	4%
Total operating costs	800,009	800,009	899,441	-99,432	-11%
Surplus (deficit) from operating activities	-722,910	-722,910	-820,724	97,814	-12%
Capital contributions	0	0	1,105,000	-1,105,000	-100%
Capital grants and subsidies	103,500	103,500	2,632,121	-2,528,621	-96%
Net result for period	-619,410	-619,410	2,916,397	-3,535,807	-121%

Comments

User fees and charges

Trade waste income higher than expected.

Operational grants and subsidies

July fuel tax credit to be received in August.

Employee benefits

Under budget due to vacancies.

Capital contributions

Contractor contribution for repair of local roads to be received in August.

Capital grants and subsidies

Capital grant funds to be received as works completed and claims submitted.

BURDEKIN SHIRE COUNCIL
OPERATING STATEMENT
Period Ending 31 July 2022

Appendix 2

	Month of July Actual	Year to Date Actual	Original Budget	Year to Date Original Budget	\$ Variance YTD Actual to YTD Original Budget	% Variance YTD Actual to YTD Original Budget
Operating Revenue						
Rates and Utility Charges	-1,114,120	-1,114,120	43,055,490	0	-1,114,120	-
Pensioner remissions	0	0	-350,000	0	0	-
User fees and charges	299,334	299,334	2,618,925	310,369	-11,035	-4%
Interest Received	99,751	99,751	1,058,700	85,642	14,109	16%
Operational contributions and donations	11,280	11,280	237,661	13,055	-1,775	-14%
Operational grants and subsidies	0	0	5,255,425	30,206	-30,206	-100%
Contract and recoverable works	6,210	6,210	1,872,000	6,000	210	3%
Other operating revenue	25,508	25,508	388,650	19,938	5,571	28%
Total operating revenue	-672,037	-672,037	54,136,851	465,210	-1,137,247	-244%
Operating Expenses						
Employee benefits	1,490,867	1,490,867	22,583,295	1,781,662	-290,795	-16%
Materials and services	1,599,917	1,599,917	17,237,729	2,554,463	-954,546	-37%
Depreciation and amortisation	1,198,484	1,198,484	14,201,800	1,183,483	15,001	1%
Finance Costs	5,261	5,261	80,000	5,000	261	5%
Total operating costs	4,294,529	4,294,529	54,102,824	5,524,609	-1,230,080	-22%
Surplus (deficit) from operating activities	-4,966,566	-4,966,566	34,027	-5,059,399	92,833	-2%
Capital contributions	0	0	1,135,000	1,135,000	-1,135,000	-100%
Capital grants and subsidies	103,500	103,500	13,276,641	13,276,641	-13,173,141	-99%
Net result for period	-4,863,066	-4,863,066	14,445,668	9,352,242	-14,215,308	-152%

BURDEKIN SHIRE COUNCIL
STATEMENT OF FINANCIAL POSITION
As at 31 July 2022

Appendix 3

	Year to Date Actual \$	Annual Budget \$
Current Assets		
Cash and Cash Equivalents	65,034,406	55,576,029
Receivables	304,728	1,521,406
Inventories	679,797	602,156
Contract Assets	1,902,091	0
Other Assets	416,752	1,647,323
Total Current Assets	68,337,774	59,346,914
Non-Current Assets		
Receivables	341,018	272,906
Property, Plant and Equipment	588,345,642	576,788,020
Intangibles Assets	387,795	345,974
Other Assets	37,895	61,323
Total Non-Current Assets	589,112,350	577,468,223
TOTAL ASSETS	657,450,124	636,815,137
Current Liabilities		
Payables	3,269,270	6,602,757
Provisions	5,569,551	5,798,704
Contract Liabilities	1,808,386	94,639
Other Liabilities	535,389	0
Total Current Liabilities	11,182,596	12,496,100
Non-Current Liabilities		
Provisions	18,126,667	18,489,574
Other Liabilities	1,665,681	0
Total Non-Current Liabilities	19,792,348	18,489,574
TOTAL LIABILITIES	30,974,944	30,985,674
NET COMMUNITY ASSETS	626,475,180	605,829,463
Community Equity		
Asset Revaluation Surplus	358,610,465	322,683,462
Retained Surplus (deficiency)	267,864,715	283,146,001
TOTAL COMMUNITY EQUITY	626,475,180	605,829,463

BURDEKIN SHIRE COUNCIL
STATEMENT OF CASH FLOWS
For Period Ending 31 July 2022

Appendix 4

	Year to Date Actual \$	Annual Cashflow Budget \$
Cash Flows from Operating Activities		
Receipts		
Receipts from Customers	1,411,216	47,585,065
Operating Grants, Subsidies and Contributions	15,592	5,493,086
Interest Received	131,106	1,058,700
Payments		
Payments to Suppliers and Employees	-5,570,642	-39,901,024
Net Cash Inflow (Outflow) from Operating Activities	-4,012,728	14,235,827.10
Cash Flows from Investing Activities		
State Government Subsidies and Grants	103,500	13,276,641
State Government Subsidies and Grants arising from Contract Assets and Liabilities	12,641	13,292
Capital Contributions	0	1,135,000
Payments for Property, Plant and Equipment	-395,407	-33,620,703
Payments for Intangible Assets	0	-26,000
Payments for rehabilitation work	0	-95,000
Proceeds from Sale of Property, Plant and Equipment	0	400,000
Net Cash Inflows (Outflow) from Investing activities	-279,266	-18,916,770
Net Increase (Decrease) in Cash and Cash Equivalents Held	-4,291,993	-4,680,943
Cash and Cash Equivalents at Beginning of the Financial Year	69,326,399	60,256,972
Cash and Cash Equivalents at end of the Period	65,034,406	55,576,029

7.3.1. PLANNING AND DEVELOPMENT

Change of Representations on Decision Notice - Material Change of Use - Backpackers Accommodation (Tourist Accommodation) - 13-15 Charles Street, Ayr (Lot 100 on A26511)

File Reference: 226 , MCU21/0011

Report Author: Kellie Galletta, Manager Planning and Development

Authoriser: Wayne Saldumbide, Manager Operations

Meeting Date: 23 August 2022

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

1.3.1: Promote the benefits of living, working, playing, visiting, and investing in the Burdekin.

2.1.4: Encourage business establishment, development, and expansion.

2.3.3: Support development, value-adding, diversification, and expansion to provide a sustainable economic base.

3.4.2: Review land supply and uses to meet community and business needs.

3.4.3: Design facilities that are adaptable and inclusive with consideration of the needs of all residents.

Burdekin Shire Council Operational Plan 2022-2023

PD9 Provide Development Assessment Services which ensure land uses comply with the Planning Act 2016, Planning Scheme, Council Policies, applicable standards and conditions of approval; assess development applications and undertake land use compliance inspections.

Executive Summary

Council is in receipt of Change Representations in relation to conditions of approval for Development Permit (MCU21/0011) - Material Change of Use – Backpackers Accommodation (Tourist Accommodation) on land described as Lot 100 on A26511 and located at 13 – 15 Charles Street, Ayr.

The Change Representations (refer **Attachment A**) were lodged on 9 August 2022 by Northpoint Planning on behalf of the applicant Produce Pickers Pty Ltd c/- Burdekin Building Design.

The material change of use application was given **approval** to convert an existing two (2) storey, multiple dwelling unit complex (six (6) x two (2) bed units), to form a tourist accommodation use, where six (6) 'rooming' units accommodate a maximum of twenty four (24) persons.

The decision notice included twenty nine (29) conditions of approval and thirteen (13) advice notes.

The Change Representations made by the applicant seeks to remove and/or amend fifteen (15) conditions of the approval.

Little, if any, supporting documentation has been provided to support their representations. In particular, no professional reporting has been provided to support the applied for maximum density of sixty (60) residents.

Therefore Council officers have reviewed and considered the Change Representations made, based on the **development being permitted a maximum density of twenty four (24) persons (including residents and resident staff) on site at any one time** and recommend that the proposed amendments as

requested by the applicant can in part, be supported, when in keeping with this approved maximum density.

Recommendation

That Council issue a Negotiated Decision Notice for the Development Permit for a Material Change of Use – Backpackers Accommodation (Tourist Accommodation) on land described as Lot 100 on A26511 and located at 13 – 15 Charles Street, Ayr, subject to the amended conditions, as set out in **Attachment B**.

Background

Officers Summary

On the 9 August 2022, Change Representations were lodged by Northpoint Planning on behalf of the applicant, Produce Pickers Pty Ltd c/- Burdekin Building Design.

The Change Representations seek to remove and/or amend fifteen (15) conditions of the development approval for which the decision was made on the 14 June 2022, with the decision notice issued on the 15 June 2022.

Little if no supporting documentation has been provided to support the applicants' representations. In particular, no professional reporting has been provided to support the applied for maximum density of sixty (60) persons.

Therefore Council officers have reviewed and considered the Change Representations made, based on the development being permitted a maximum density of twenty four (24) persons (including residents and resident staff) on site at any one time, and completed their assessment, as outlined in the assessment table included at **Attachment C**.

Further, Council Officers note the statement made by the applicant regarding Council's assessment process, in particular paragraph two.

The development assessment process is applicant driven and the applicant had ample opportunity to seek to extend the decision making period to allow them sufficient time to respond to Council's request for further advice. No such request seeking this extension was ever requested by the applicant.

Council officers have reviewed and considered the Change Representations made, based on the development being permitted a maximum density of twenty four (24) persons (including residents and resident staff) on site at any one time and have recommended some conditions be amended.

Some minor formatting and grammar correction has also been undertaken as part of the review. However these formatting and grammar changes do not change the intent of the conditions as originally approved and/or recommended for amendment as part of this negotiated decision notice.

Background and History

In April 2020, Council investigated a complaint regarding the premises being used unlawfully for backpackers' accommodation and issued a Show Cause Notice to applicant.

Some eighteen (18) months later in October 2021, a development application was submitted to Council for assessment.

Little if any professional documentation supporting the proposed tourist accommodation development (with a maximum sixty (60) person density) in this location was provided for Council to assess.

During public notification, four (4) properly made submissions were received in objection to the proposed development.

Council issued a conditioned approval on the 14 June 2022, that attempted to provide a reasonable density outcome for the site given its residential zoning and location, and to try and capture the items considered

relevant to the proposed use that were required to allow Council to undertake an appropriate assessment of the proposed development, given that no response to Council's Request for Further Information was provided.

No licensing approval to operate an 'accommodation building' on this site has ever been granted by Council's Environment and Health Department either.

The tourist accommodation use is continuing to operate, without any approvals, since before 2020.

Consultation

Terry Brennan – Chief Executive Officer

Wayne Saldumbide – Acting Director Infrastructure, Planning and Environmental Services

Kevin Byers – Manager Technical Services

Preeti Prayaga - Coordinator- Public Health and Environment

Budget & Resource Implications

Possible legal fees associated with any Planning and Environment Court appeal.

Legal Authority & Implications

Possible appeal in the Planning and Environment Court.

Policy Implications

Not applicable in concerning the acceptance of this report.

Risk Implications (Strategic, Operational, Project Risks)

Minimal organisational risk is apparent given that the recommendation has considered all relevant outcomes associated with Strategic, Operational and Project risks.

Risk has been managed by undertaking a thorough assessment against the benchmarks relevant to this application and identifying conditions that should apply to the approval.

Statutory Environment

Council is required to deal with and assess Change Representations in the context of the *Planning Act 2016*, the *Burdekin IPA Planning Scheme 2011* and all other relevant legislation and policy.

Attachments

1. Attachment A - NP22.069 - Request for Negotiated Decision Notice
2. Attachment B - Recommended Amendment to Conditions
3. Attachment C - Officer Assessment of Change Representations

Our Reference: NP22.069

9 August 2022

Burdekin Shire Council
PO Box 974
AYR QLD 4807**Attention: Manager Planning and Development – Kellie Galletta**

Dear Kellie,

Request for Negotiated Decision Notice**MCU21/0011 – Material Change of Use – Tourist Accommodation located at 13-15 Charles Street, Ayr and formally identified as Lot 100 on A26511**

We refer to the abovementioned development application recently approved by Burdekin Shire Council, and the associated Decision Notice dated 15 June 2022. Northpoint Planning has been engaged by Produce Pickers Pty Ltd (the Applicant) and Burdekin Building Design in regard to the development application and the request for a Negotiated Decision Notice.

Change Representations

We are of the view that specific conditions of approval as detailed in the Decision Notice are not relevant and reasonable. Specifically, it is considered particular conditions of approval imposed are not in accordance with s65(1) of the *Planning Act 2016*:

A development condition imposed on a development approval must –

- a) be relevant to, but no be an unreasonable imposition on, the development or the use of the premises as a consequence of the development; or*
- b) be reasonably required in relation to the development or the use of premises as a consequence of the development.*

Further, we understand that discussions were undertaken with Council prior to the lodgement of the application and during the assessment process, with the Decision Notice not consistent with these discussions.

Accordingly, we provide the following change representation outlined in **Table 1** below.

Table 1: Change representations**1 Condition 4.1(i) – New/additional Documentation Required**

Amended proposal plans that comply with the site density of 180 persons per hectare of the site area based upon the following occupancy rates, is permitted:



	<table><tr><th>Number of bedroom units</th><th>Number of Persons per Dwelling or Rooming unit</th></tr><tr><td>1</td><td>1.7</td></tr><tr><td>2</td><td>2.4</td></tr><tr><td>3 (or more)</td><td>3.3</td></tr></table>	Number of bedroom units	Number of Persons per Dwelling or Rooming unit	1	1.7	2	2.4	3 (or more)	3.3	
Number of bedroom units	Number of Persons per Dwelling or Rooming unit									
1	1.7									
2	2.4									
3 (or more)	3.3									
Response										
<p>Condition 4.1(i) requires density provisions to the development in accordance with Acceptable Solution 6 of the Residential Zone Code.</p> <p>Specifically, the referenced provision and table refers to occupancy rates that <i>apply except where for an accommodation building</i>. The proposed use does not meet the definition of an accommodation building in accordance with the planning scheme. In accordance with Schedule 1, Division 2 of the planning scheme, an accommodation building is defined as:</p> <p><i>Premises used for the accommodation of persons unrelated to the proprietor, comprising more than one dwelling unit. The use includes boarding houses, hostels and workers camps including the temporary use of workers camps. The term does not include... "Tourist Accommodation" as defined in this Planning Scheme.</i></p> <p>Accordingly, the density of the proposed development has been calculated based on requirements of relevant building legislation and is considered suitable and reasonable for the proposed development.</p>										
Recommendation										
It is recommended this condition be deleted.										
2	Condition 4.1(ii) – New/additional Documentation Required									
Noise Impact Assessment report prepared by a suitably qualified professional.										
Response										
<p>The proposed development does not involve any alterations to the existing built form. The proposed development retains the existing building footprint and does not involve increase in gross floor area, with minor modifications to the internal fit out only.</p> <p>It is considered the proposed development involves a use that is compatible and comparable to the surrounding residential uses, and will not result in unacceptable noise impact to surrounding properties.</p> <p>The site will be attended and managed by an on-site manager, residing in one of the dwelling units. It is considered the potential noise impact to surrounding residential uses is appropriately managed through the built form, setback to neighbouring properties and on-site management.</p>										
Recommended										
It is recommended this condition be amended to:										
<p><i>To ensure the accommodation facility operates strictly in accordance with its intended use, an onsite manager is to reside within the premises at all times.</i></p> <p><i>The operator of the Accommodation Facility must keep a Complaints Register on the premises at all times, for the inspection of an authorised office of the Council identifying:</i></p> <ul style="list-style-type: none"><i>the time, date and detail of any complaint made to the operator relating to the use and occupation of the Accommodation Facility; and</i>										



	<ul style="list-style-type: none">any action or response taken by the operator to rectify or reasonably deal with the complaint.
3	<p>Condition 4.1(iii) – New/additional Documentation Required</p> <p>Traffic Engineering Assessment report prepared by a suitably qualified professional.</p> <p>Response</p> <p>The proposed development does not involve any alterations to the existing built form or access and parking arrangements.</p> <p>It is considered the proposed parking is sufficient, given:</p> <ul style="list-style-type: none">The proposed parking provisions achieves the prescribed parking requirements for a Tourist Accommodation use in accordance with Schedule 2 of the planning scheme.Parking and access provisions were discussed with Council during assessment of the development application, with Council confirming they were satisfied with the proposed parking and access arrangements (refer Attachment 1).FortisEM, being a suitably qualified professional, has provided additional confirmation the requested report is not considered necessary (refer Attachment 2). <p>Given the above, it is considered requiring the provision of a Traffic Engineering Assessment report is not relevant or reasonable.</p> <p>Recommendation</p> <p>It is recommended this condition be deleted.</p>
4	<p>Condition 4.1(vii) – New/additional Documentation Required</p> <p>Landscaping plan prepared by a suitably qualified professional.</p> <p>Response</p> <p>The proposed development does not involve any amendment to the existing built form, with the existing access, parking and landscaping retained. Existing on-site landscaping will be retained, with this considered acceptable for the proposed use.</p> <p>Recommendation</p> <p>It is recommended this condition be deleted.</p>
5	<p>Condition 4.1(iv) – New/additional Documentation Required</p> <p>Infrastructure and Servicing Assessment report prepared by a suitably qualified professional.</p> <p>Response</p> <p>The proposed development does not involve any amendment to the existing built form. The purpose of the development application is to formalise the use of the subject site for Tourist Accommodation, with existing service arrangements retained.</p> <p>Recommendation</p> <p>It is recommended this condition be deleted.</p>



6	<p>Condition 4.1(v) – New/additional Documentation Required</p> <p>Flood Assessment report prepared by a suitably qualified professional.</p> <p>Response</p> <p>The proposed development does not involve any amendment to the existing built form and retains the existing access and parking arrangements. For clarity, the proposed development does not involve any increase in built form or impervious area to the subject site.</p> <p>FortisEM, being a suitably qualified professional, has provided additional confirmation the requested report is not necessary (refer Attachment 2).</p> <p>Recommendation</p> <p>It is recommended this condition be deleted.</p>
7	<p>Condition 4.1(vi) – New/additional Documentation Required</p> <p>Stormwater Management Plan prepared by a suitably qualified professional.</p> <p>The proposed development does not involve any amendment to the existing built form or impervious area, and maintains the existing stormwater regime.</p> <p>FortisEM, being a suitably qualified professional, has provided additional confirmation the requested report is not necessary (refer Attachment 2).</p> <p>Recommendation</p> <p>It is recommended standard conditions regarding stormwater drainage be imposed, such as outlined below:</p> <p><i>Stormwater drainage from any new paved/sealed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserve in accordance with AS3500.2.2003 or as otherwise agreed to in writing by the Chief Executive Officer.</i></p> <p><i>The approved development and uses(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.</i></p> <p><i>Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</i></p>
8	<p>Condition 4.1(viii) – New/additional Documentation Required</p> <p>Amended proposal plans that address:</p> <ul style="list-style-type: none">i) Privacy screening<ul style="list-style-type: none">i) Provide privacy screening or alternative treatments where:<ul style="list-style-type: none">- Habitable room windows or balconies of ground and above ground floor dwelling units that directly face another habitable room or balconies on the same site or an adjoining site, and that are within 9m; and/or- Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or adjoining sites.ii) Treatments may consist of:<ul style="list-style-type: none">- Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading; and sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.



- Habitable room windows or balconies of ground and above ground floor dwelling units that directly face another habitable room or balconies on the same site or an adjoining site, and that are within 9m; and/or Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or adjoining sites.
- ii) Access, Parking and Traffic
 - i) Implement the approved traffic engineering assessment requirements.
 - ii) Provide a minimum of five (5) on site carparking spaces for residents or as determined in the approved traffic engineering assessment, whichever is the greater.
 - iii) Development must include specific parking spaces for staff including managers and employees required to be on site at any one time, as determined in the approved traffic engineering assessment.
 - iv) Provide a minimum of one (1) on-site accessible (disabled) carparking space or as determined in the approved traffic engineering assessment.
 - v) Provide adequate on-site visitor car parking spaces, as determined by the approved traffic engineering assessment.
 - vi) Provide adequate on-site dedicated bus parking spaces, as determined by the approved traffic engineering assessment.
 - vii) Provide for adequate and safe manoeuvring of vehicles on site with parking spaces, accesses and driveways not to be used for any other purpose.
 - viii) Provide pedestrian access, both internal and external to the site, that is separated from vehicular access to minimise the potential for pedestrian and vehicle conflict.
 - ix) Development must not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding uses.
 - x) Provide design and construction details for accesses, internal roadways, parking areas in accordance with approved plans and documents of development, the relevant Australian standards and Council's standards and requirements.
- iii) Communal Open Space
 - i) Provide sufficient communal open space that is accessible, useable and safe, centrally located and landscaped to an appropriate standard and designed and located in such a way to ensure any noise impacts are acceptable.
 - ii) A minimum of 30m² landscape area per dwelling unit, with at least 40% of total space in one useable parcel being not less than 5m in width, is to be provided.
- iv) Acoustic Attenuation Measures
 - i) Implement the requirements of the approved Noise Impact Assessment.
 - ii) Provide the acoustic attenuation measures as specified in the approved Noise Impact Assessment by a suitably qualified professional.
- v) Landscaping
 - i) Each dwelling unit is to be provided with a minimum:
 - 30m² landscape area per unit with at least 40% of total space in one useable parcel being not less than 5m in width.
- vi) Screen Fence
 - i) A minimum 1.8m high screen fence is to be provided along both the Charles and Wilmington Street boundaries (excepting access) to block views of and from adjoining uses, unless otherwise determined in the approved noise assessment report.
- vii) Waste Management
 - i) The approved waste storage area is to be of sufficient size to house all garbage bins including recycling bins and is to be suitably screened.



- ii) The storage area is suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection, provided.

Response

The proposed development does not involve any amendment to the existing built form, with the existing access, parking and landscaping retained. Given the additional reporting requested as part of Condition 4 (refer Items 1-6 above) is considered this condition is not relevant or reasonable to the proposed development. It is considered any amendments that are relevant can be addressed through specific compliance conditions.

Specific comment on items (a) – (g) of this condition are provided below.

Privacy Screening

The proposed development does not involve any physical change to the existing built form and seeks to utilise the existing multiple dwelling for a tourist accommodation use. Specifically, it is noted:

- The existing building does not involve any windows or fenestrations to the northern side of the building, and therefore does not impact on privacy of the adjoining northern property.
- The outermost projection of the existing building is setback in excess of 9m to the outermost projection of the neighbouring multiple dwellings to the west.

Access, Parking and Traffic

The proposed development does not involve any physical change to the existing built form, or access and parking arrangement of the existing building. The existing 6 designated on-site car parks are retained, with these achieving the nominated parking rates of a Tourist Accommodation use.

Given the proposed development involves formalising the existing unit complex for non-resident workforce accommodation, the existing access arrangements are considered sufficient. Further, Council has previously provided confirmation of their satisfaction with the proposed parking and access arrangements, and confirmed the applicant did not need to provide such reporting (refer **Appendix 1**).

It is noted one of the existing on-site car parking spaces can be nominated as a people with disabilities car park.

FortisEM, being a suitably qualified professional, has provided additional commentary on this condition (refer **Attachment 2**).

Communal Open Space

It is considered sufficient communal open space is provided with the proposed development. The existing building will be retained, comprising a site cover of 429m². The subject site comprises 1,133m², with a resulting 704m² available outdoor space. The proposed development complies with the requirements outlined in this condition, and are enforced through the approved plans at condition 2.

Acoustic Attenuation Measures

As outlined in item 2 above, a Noise Impact Assessment is not considered reasonable or necessary.



Landscaping

The proposed development complies with the requirements outlined in this condition, with the equivalent of 30m² landscape area per unit available, with at least 40% of total space in one useable parcel being not less than 5m width. It is considered this condition is superfluous given the landscape area is provided in the approved plans at condition 2.

Screen Fencing

It is considered a 1.8m high screen fence to the Wilmington and Charles Street frontages is reasonable, as is screen fencing to adjoining residential properties.

Waste Management

It is agreed an appropriately located, screened and sealed bin storage is to be provided with the proposed development.

Recommendation

Privacy Screening

It is recommended this condition be deleted.

Access, Parking and Traffic

It is recommended standard conditions regarding access and parking be imposed, such as outlined below:

Parking on site is to be restricted to managers' and guests' vehicles only.

Access to the premises, car parking and manoeuvring areas must be constructed in an all-weather low glare paving, exposed aggregate concrete or similar dust suppressant material to the satisfaction of the Chief Executive Officer.

The applicant is to provide at no cost to Council an on street loading/bus zone in Wilmington Street to provide a safe pick-up/drop-off area for residents of the facility. The zone will need to be line-marked and signed in accordance with AS2890.5 and the Manual of Uniform Traffic Control Devices (MUTCD).

Communal Open Space

It is recommended this condition be deleted.

Acoustic Attenuation Measures

It is recommended this condition be deleted.

Landscaping

It is recommended this condition be deleted.



Screen Fence

It is recommended a condition regarding screen fencing be imposed, such as outlined below:

A 1.8m high screen fence must be provided along the property boundary to Wilmington Street and Charles Street and to any boundary shared with a lot within a residential zone. Where fencing located on a boundary shared with land within a residential zone, the fencing is to have additional noise abatement design elements to ensure existing residential amenity is maintained. The new fence must be designed to achieve an adequate level of privacy for inhabitants and neighbours. The type and design must be submitted and approved by the Chief Executive Officer prior to construction of the screen fence.

Waste Management

It is recommended a condition regarding waste management be imposed, such as outlined below:

A waste storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins. The developer must provide a storage area that is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection. The location and design of the waste storage area must be submitted and approved by the Chief Executive Officer prior to construction.

9 Condition 4.1(ix) – New/additional Documentation Required

Amended planning report that reflects the findings and requirements of the above listed assessments and the requirements for the amended proposal plans.

Response

It is considered an additional planning report is not required, given:

- The planning report submitted as part of the development application sufficiently addressed all relevant assessment benchmarks.
- The additional reporting outlined in 4.1(ii) – 4.1(viii) is not considered necessary, as demonstrated in items 2-7 above.
- The development can be appropriately managed with relevant and reasonable conditions of approval, without provision of a new planning report.

Recommendation

It is recommended this condition be deleted.

10 Condition 4.2 – New/additional Documentation Required

Obtain approval from Council for the assessments and proposal plans listed in 4.1

Response

Refer to items 2-7 above. Where specific conditions require further Council approval, this can be addressed in the specific conditions.

Recommendation

It is recommended this condition be deleted.



11	<p>Condition 4.3 – New/additional Documentation Required</p> <p>Implement the requirements and recommendations of the assessments and amended plans. The approved amended plan/s and planning report will form part of the approval.</p> <p>Response</p> <p>Refer to items 2-7 above. Where specific conditions require action, this can be addressed with that condition.</p> <p>Recommendation</p> <p>It is recommended this condition be deleted.</p>
12	<p>Condition 5.1 – Operation of the Use</p> <p>Ensure a maximum twenty-four (24) single beds are provided for the development within the 6 rooming units as shown on the approved plans.</p> <p>Response</p> <p>It is considered furniture specification is not a relevant or reasonable condition of approval.</p> <p>Recommendation</p> <p>It is recommended this condition be deleted.</p>
13	<p>Condition 5.2 – Operation of the Use</p> <p>Ensure the use operates with an onsite manager present at all times unless otherwise agreed to in writing by the Council with the onsite manager to be responsible for ensuring residents of the development comply with the conditions of this development approval.</p> <p>Response</p> <p>As outlined in the development application, a resident of the facility will be a designated site manager.</p> <p>Recommendation</p> <p>It is recommended this condition be amended to the following:</p> <p><i>To ensure the accommodation facility operates strictly in accordance with its intended use, an onsite manager is to reside within the premises at all times.</i></p> <p><i>The operator of the Accommodation Facility must keep a Complaints Register on the premises at all times, for the inspection of an authorised office of the Council identifying:</i></p> <ul style="list-style-type: none"><i>the time, date and detail of any complaint made to the operator relating to the use and occupation of the Accommodation Facility; and</i><i>any action or response taken by the operator to rectify or reasonably deal with the complaint.</i>
14	<p>Condition 8 – Privacy Screening</p> <p>Privacy screening or suitable alternative treatments to:</p> <ol style="list-style-type: none">Habitable room windows or balconies of ground and above ground floor dwelling units that directly face another habitable room or balconies on the same site or an adjoining site, and that are within 9m; and/orHabitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or adjoining sites.



	<p>iii) Treatments may consist of:</p> <ul style="list-style-type: none">a) Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading; andb) Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.
	<p>Response</p> <p>This condition is a duplicate of condition 4.1(viii). Refer to response outlined in item 7 above.</p> <p>Recommendation</p> <p>It is recommended this condition be deleted.</p>
15	<p>Condition 9 – Acoustic and Noise Attenuation Measures</p> <p>Implement the requirements of the approved Noise Impact Assessment.</p> <ul style="list-style-type: none">i) Provide the acoustic attenuation measures as specified in the approved Noise Impact Assessment by a suitably qualified professional.ii) Provide certification by a suitably qualified person that the approved noise attenuation measures have been installed /implemented in accordance with the specifications of the approved Noise Impact Assessment.iii) Appropriate acoustic barriers must be provided along the shared property boundary with 11 Charles Street (Lot 2 on SP257342) and the shared property boundary with 111 Wilmington Street (Lots 1-3 on BUP71643), to ensure an appropriate level of amenity is afforded to the surrounding residential uses.iv) Noise levels to adjoining properties external to the proposed development do not exceed acoustic quality objectives under the <i>Environmental Protection (Noise) Policy 2019</i>. <p>Relevant</p> <p>This condition duplicates provisions outlined in condition 4.1(ii). Refer to response in item 7 above.</p> <p>Recommendation</p> <p>It is recommended this condition be deleted.</p>
16	<p>Condition 10 – Communal Open Space</p> <ul style="list-style-type: none">i) Provide sufficient communal open space at a rate of 30m² landscape area per dwelling unit.ii) A minimum of 40% of total space in one useable parcel being not less than 5m in width, is to be provided. <p>Ensure the use operates with an onsite manager present at all times unless otherwise agreed to in writing by the Council with the onsite manager to be responsible for ensuring residents of the development comply with the conditions of this development approval.</p> <p>Response</p> <p>This condition is a duplicate of condition 4.1(viii). Refer to response outlined in item 8 above.</p> <p>Recommendation</p> <p>It is recommended this condition be deleted.</p>



17	Condition 12.1 – Stormwater Drainage Implement the approved Stormwater Management Plan.
	Response This condition is a duplicate of condition 4.1(vi). Refer to response outlined in item 7 above.
	Recommendation It is recommended this condition be deleted.
18	Condition 13 – Landscaping A landscape design plan shall be submitted and approved by the Chief Executive Officer. This plan must be prepared by a landscape architect or other suitably qualified and experienced person detailing the following: <u>Onsite:</u> a) Identification of existing trees to be retained on the site. b) all proposed trees, shrubs and ground covers. c) The location of all areas, to be covered by turf or other surface material including paving and surface treatment details. <u>Other</u> d) Landscaping and irrigation must be constructed in accordance with the approved landscaping plan(s) and constructed to the relevant standards in accordance with council's specification. Response This condition is a duplicate of condition 4.1(vii). Refer to response outlined in item 4 above. Recommendation It is recommended this condition be deleted.
19	Condition 14.1 – Access, Roadworks and Traffic Undertake all works in accordance with the requirements of the approved Traffic Engineering assessment report. Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above. Recommendation It is recommended this condition be deleted.
20	Condition 14.3 – Access, Roadworks and Traffic All vehicle access, parking and manoeuvring areas proposed for the development must be adequate, safe and designed in accordance with the relevant standards and Council's policies, with all vehicles entering and exiting the site in a forward direction. Response As confirmed by FortisEM (refer Attachment 2) vehicles are able to enter and exit the site in a forward motion, with appropriate on-site parking and manoeuvring areas.



	<p>Recommendation</p> <p>While it is considered superfluous, we do not fundamentally oppose the inclusion of this condition.</p>
21	<p>Condition 14.4 – Access, Roadworks and Traffic</p> <p>The proposed development must not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding uses.</p> <p>Response</p> <p>The proposed development will not impact adversely on the local road network (refer Attachment 2).</p> <p>Recommendation</p> <p>While it is considered superfluous, we do not fundamentally oppose the inclusion of this condition.</p>
22	<p>Condition 14.5 – Access, Roadworks and Traffic</p> <p>Vehicles must not exit the site nor cross the property boundary in reverse direction.</p> <p>Response</p> <p>As confirmed by FortisEM (refer Attachment 2), vehicles are able to enter and exit in a forward motion.</p> <p>Recommendation</p> <p>While it is considered superfluous, we do not fundamentally oppose the inclusion of this condition.</p>
23	<p>Condition 14.6 – Access, Roadworks and Traffic</p> <p>Proposed pedestrian access, both internal and external to the site, must be separated from vehicular access to minimise the potential for pedestrian and vehicle conflict.</p> <p>Response</p> <p>As confirmed by FortisEM (refer Attachment 2), existing separate pedestrian access will be retained.</p> <p>Recommendation</p> <p>While it is considered superfluous, we do not fundamentally oppose the inclusion of this condition.</p>
24	<p>Condition 14.7 – Access, Roadworks and Traffic</p> <p>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 the satisfaction of the Chief Executive Officer.</p> <p>Response</p> <p>The existing sealed access arrangements will be retained with the proposed development.</p>



	Recommendation While it is considered superfluous, we do not fundamentally oppose the inclusion of this condition.
25	Condition 14.8 – Access, Roadworks and Traffic Any redundant crossover in the kerb and channel must be removed and replaced with new kerb and channel. Response As confirmed by FortisEM (refer Attachment 2) the proposed development does not result in any redundant crossovers. Recommendation While it is considered superfluous, we do not fundamentally oppose the inclusion of this condition.
26	Condition 14.10 – Access, Roadworks and Traffic Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately. Response The proposed development does not involve any physical change to the existing built form, access or parking on the site. Recommendation While it is considered superfluous, we do not fundamentally oppose the inclusion of this condition.
27	Condition 14.11 – Access, Roadworks and Traffic Roadworks Approval The developer is responsible for obtaining a Roadworks permit for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works. Response The proposed development does not involve any physical change to the existing built form, access or parking on the site. Recommendation It is considered this is better placed as an Advice item, rather than a condition of approval.
28	Condition 14.12 – Access, Roadworks and Traffic The application must indicate the following: <ul style="list-style-type: none">a) Completed Roadworks permit application form.b) Prescribed fee.c) Traffic Management Plan prepared by a suitable qualified traffic professional detailing the traffic management measures put in place to manage all Roadworks including pedestrians, cyclists and vehicles in accordance with the Manual of Uniform Traffic Control Devices (Queensland) Part 3 - Works on Roads.



- d) If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required.

This permit allows for a section of road reserve to be closed for the purpose of works. The Queensland Police Service is the issuing authority for these permits. An application will need to be made to council for a letter of 'no objection' prior to applying to the Queensland Police Service for the permit.

Response

The proposed development does not involve any physical change to the existing built form, access or parking on the site.

Recommendation

It is considered this is better placed as an Advice item, rather than a condition of approval.

29 Condition 14.13 – Access, Roadworks and Traffic

The Traffic Management Plan will need to be included with the application to council.

Response

The proposed development does not involve any physical change to the existing built form, access or parking on the site, and therefore a traffic management plan is not required.

Recommendation

It is considered this is better placed as an Advice item, rather than a condition of approval.

30 Condition 15.1 –On-site Car Parking

Implement the approved traffic engineering assessment requirements.

Response

Refer to response outlined in item 3 above.

Recommendation

It is recommended this condition be deleted.

31 Condition 15.2 –On-site Car Parking

Provide a minimum of five (5) on site carparking spaces for residents or as determined in the approved traffic engineering assessment, whichever is the greater.

Response

This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above.

Recommendation

It is recommended this condition be deleted.



32	Condition 15.3 –On-site Car Parking
	Provide specific parking spaces for staff including managers and employees required to be on site at any one time, as determined in the approved traffic engineering assessment.
	Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above. Recommendation It is recommended this condition be deleted.
33	Condition 15.4 –On-site Car Parking
	Provide a minimum of one (1) on-site accessible (disabled) carparking space or as determined in the approved traffic engineering assessment.
	Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above. Recommendation It is recommended this condition be deleted.
34	Condition 15.5 –On-site Car Parking
	Provide adequate on-site visitor carparking spaces, as determined by the approved traffic engineering assessment.
	Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above. Recommendation It is recommended this condition be deleted.
35	Condition 15.6 –On-site Car Parking
	Provide adequate on-site dedicated bus parking spaces, as determined by the approved traffic engineering assessment.
	Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above. Recommendation It is recommended this condition be deleted.
36	Condition 15.8 – On-site Car Parking
	Provide pedestrian access, both internal and external to the site, that is separated from vehicular access to minimise the potential for pedestrian and vehicle conflict. Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above.



	Recommendation It is recommended this condition be deleted.
37	Condition 15.9 – On-site Car Parking Development must not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding uses. Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above. Recommendation It is recommended this condition be deleted.
38	Condition 15.10 – On-site Car Parking All on-site car parking facilities, driveways and manoeuvring areas must be designed and constructed in accordance with Council's requirements and the relevant Standards. Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above. Recommendation It is recommended this condition be deleted.
39	Condition 19.1 – Screen Fencing A minimum 1.8m high screen fence is to be provided along both the Charles and Wilmington Street boundaries (excepting access) to block views of and from adjoining uses, unless otherwise determined in the approved noise assessment report. Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above. Recommendation It is recommended this condition be deleted.
40	Condition 19.2 – Screen Fencing The type and design of the fencing must be submitted and approved by the Chief Executive Officer as part of the Landscaping Plan. Response This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above. Recommendation It is recommended this condition be deleted.



41	Condition 22 – Soil Erosion Minimisation, Sediment Control
	Erosion and sediment control management including site specific stormwater treatment devices must be installed and maintained to the satisfaction of the Chief Executive Officer.
	Response
	The proposed development does not involve any change to the existing built form, access or parking arrangement and therefore a soil erosion minimisation, sediment control plan is not required (refer Appendix 2).
	Recommendation
	<p>It is recommended the condition regarding soil erosion minimisation, sediment control be amended, such as outlined below:</p> <p><i>Where onsite works involve construction works involving exposure of earth, erosion and sediment control management, including site specific stormwater treatment devices, must be installed and maintained to the satisfaction of the Chief Executive Officer.</i></p>
42	Condition 23 – Dust Management
	A dust management plan must be prepared and submitted to council for approval.
	Response
	The proposed development does not involve any change to the existing built form, access or parking arrangement and therefore a dust management plan is not required (refer Appendix 2).
	Recommendation
	<p>It is recommended the condition regarding dust management be amended, such as outlined below:</p> <p><i>Where onsite works involve construction works involving exposure of earth, a dust management plan must be prepared and submitted to Council for approval.</i></p>
43	Condition 24 – Waste Management Facilities
	<p>Refuse collection arrangements on site must be provided by the developer to the satisfaction of the Chief Executive Officer.</p> <p>in particular:</p> <ul style="list-style-type: none">a) The approved waste storage area is to be of sufficient size to house all garbage bins including recycling bins and area is to be suitably screened.b) Storage area is suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection, provided.c) All waste generated as a result of the construction of the development is to be effectively controlled and contained entirely within the boundaries of the site prior to disposal.d) All waste is to be disposed of in accordance with the Environmental Protection Regulation 2019 and council’s waste management policy..
	Response
	This condition is a duplicate of condition 4.1(iii). Refer to response outlined in item 8 above.
	Recommendation
	It is recommended this condition be deleted.



44 Condition 24 – Environmental Health

- i) Facilities for the use of occupants at the premises must comply and be maintained at all times in accordance with the provisions of the relevant Local Law.
- ii) Detailed plans of proposed building or alterations, which comply with local law requirements, including details of all facilities, must be submitted and approved prior to the occupancy or use of any buildings used in connection with the accommodation business.
- iii) The accommodation business and all ancillary activities must be conducted within the boundaries of the premises that are the subject of this approval.

Response

Items (i) and (iii) are considered reasonable and relevant to the development.

In regard to item (iii), where building works approval is required, appropriate application will be submitted to Council.

Recommendation

It is recommended where building works are required, this be included as an Advice item.

Further Approvals Required – Operational Work

The Decision Notice outlines specific conditions that require lodgement of a development application for a Development Permit for Operational Works. It is noted a further development application for this is not required, given:

- The conditions requiring an operational work application relate to communal open space (condition 10), stormwater drainage (condition 12), landscaping (condition 13), access, roadworks and traffic (condition 14), on-site car parking (condition 15), dust management (condition 23), and waste management facilities (condition 24).
- The proposed development does not involve any physical alteration to the external built form of the existing development, with no changes to the existing access, driveway or parking arrangements (refer **Attachment 2**).
- As outlined in Table 1 above, the abovementioned conditions are not considered reasonable or relevant to the development.
- In accordance with Part 4, Division 4, Table 1 of the planning scheme, operational work associated with a Material Change of Use is exempt development.

Council Assessment Process

We understand Burdekin Building Design and the Applicant undertook pre-lodgement discussions prior to submitting the development application, and maintained an open dialogue with Council through the assessment process.

It is noted that Council were generally supportive of the application through the pre-lodgement and initial stage, with a request for Further Information issued just prior to end of the decision making period. It is understood this left insufficient time for the Applicant to engage, prepare and submit an appropriate response.

We refer to the correspondence previously submitted by Burdekin Building Design on 29th June 2022 and attached (refer **Attachment 3**).

Proceeding

It would be appreciated if Council could consider the above change representations in regard to the proposed development.



If Council are of the view the above representations are not supported, we request that Council contact us prior to deciding the change representations or providing a Negotiated Decision Notice.

Please do not hesitate to contact the undersigned should you have any queries in relation to this correspondence.

Yours faithfully,

Meredith Hutton

DIRECTOR

Northpoint Planning

Att. 1 – Burdekin Shire Council email.

Att. 2 – Engineering advice prepared by FortisEM.

Att. 3 – Burdekin Building Design correspondence.



Attachment 1

Rick Spark

From: Glen Stockdale <Glen.Stockdale@burdekin.qld.gov.au>
Sent: Thursday, 17 February 2022 11:57 AM
To: burddraf@tpg.com.au
Cc: Marty Pearce; Megan Bradford
Subject: FW: MCU21/0011 - Information Request - MCU for Backpackers Accommodation. (Tourist Accommodation) at 13-15 Charles Street, Ayr

Hi Rick,

After a review of your application, I believe the parking arrangements for the development have been adequately addressed.

Please disregard the Information Request for a Traffic Impact Assessment.

Regards,

Glen Stockdale

**Design Office Coordinator
Burdekin Shire Council**

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glen.stockdale@burdekin.qld.gov.au | www.burdekin.qld.gov.au



From: Megan Bradford <megan.bradford@burdekin.qld.gov.au>
Sent: Tuesday, 15 February 2022 3:29 PM
To: Glen Stockdale <Glen.Stockdale@burdekin.qld.gov.au>
Cc: Marty Pearce <Marty.Pearce@burdekin.qld.gov.au>
Subject: FW: MCU21/0011 - Information Request - MCU for Backpackers Accommodation. (Tourist Accommodation) at 13-15 Charles Street, Ayr

Hi Glen,

Can you please give Rick Sparks a call regarding this Info Request/TIA - 0411 425 592.

Cheers

Megan

From: Glen Stockdale <Glen.Stockdale@burdekin.qld.gov.au>
Sent: Monday, 22 November 2021 10:10 AM
To: burddraf@tpg.com.au
Cc: Megan Bradford <megan.bradford@burdekin.qld.gov.au>
Subject: FW: MCU21/0011 - Information Request - MCU for Backpackers Accommodation. (Tourist Accommodation) at 13-15 Charles Street, Ayr

Hi Rick,

Sorry for the confusion.

Please submit a Traffic Impact Assessment, showing how the development has addressed the increased vehicle parking requirements associated with the development.

Regards,

Glen Stockdale

**Design Office Coordinator
Burdekin Shire Council**

T (07) 4783 9800 | D (07) 4783 9925
145 Young St | PO Box 974 | Ayr Qld 4807
glen.stockdale@burdekin.qld.gov.au | www.burdekin.qld.gov.au



From: Rick Spark <burddraf@tpg.com.au>

Sent: Thursday, 11 November 2021 6:32 PM

To: Megan Bradford <megan.bradford@burdekin.qld.gov.au>

Subject: RE: MCU21/0011 - Information Request - MCU for Backpackers Accom. (Tourist Accom) at 13-15 Charles Street, Ayr

Hi Megan,

In response to the Information Requested recieved, can you please clarify the following;

Is the request asking for traffic impact assessment? Traffic Management Plan is usually used to stipulate how you will manage traffic flow (i.e. like at road works).

Or

Are the proposed changes resulting in an increase in minimum parking requirements on site that haven't been achieved & or indicated in application.

Can you please clarify so we can address the matter accordingly ASAP. Thanks.

Please do not hesitate to contact BBD if you require further information regarding the above matter.

Yours Sincerely

Rick Spark

Burdekin Building Design Pty Ltd (BBD)

Mobile: 0411425592

email: burddraf@tpg.com.au

Ayr:
141 Mackenzie Street
Ayr Qld 4807.

Brisbane:
10 Cleavue Street
Geebung Qld 4034

From: Megan Bradford <megan.bradford@burdekin.qld.gov.au>

Sent: Monday, 8 November 2021 11:45 AM

To: Rick Spark <burddraf@tpg.com.au>

Cc: Marty Pearce <Marty.Pearce@burdekin.qld.gov.au>

Subject: MCU21/0011 - Information Request - MCU for Backpackers Accom. (Tourist Accom) at 13-15 Charles Street, Ayr

Hi Rick,

Please find attached the Information request for MCU21/0011 for Backpackers Accommodation (Tourist Accommodation) at 13-15 Charles Street, Ayr

The original is in todays post.

Regards

Megan Bradford

Planning Assistant

Burdekin Shire Council

D (07) 4783 9963

145 Young St | PO Box 974 | Ayr Qld 4807

megan.bradford@burdekin.qld.gov.au | www.burdekin.qld.gov.au



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Attachment 2

Our Ref: L01A-22303

4/08/2022

Burdekin Building Design
141 Mackenzie Street
Ayr, Qld, 4807

Attention: Rick Spark

**BACKPACKERS ACCOMODATION AT 13-15 CHARLES STREET, AYR
DESCRIPTION**

Response to Condition 4.1(iii)

The proposed development does not involve any physical alteration to the external built form of the existing development, with no changes to the existing access, driveway or parking arrangements. Further Sufficient on-site carparking is provided in accordance with Schedule 2 of the planning scheme for a Tourist Accommodation use. The existing arrangements are compliant with the requirements of the relevant Australian Standards and no upgrade or alteration is required. On this basis it is our professional opinion that a Traffic Engineering Assessment report is not required.

Response to Condition 4.1(v)

The project does not involve any site works or physical alteration to the existing building structure, other than some internal walls. Further, the building already has pre-existing use as a habitable structure. In our professional opinion a flood assessment of the existing building is not required.

Response to Condition 4.1(vi)

The development does not involve any physical alteration to the existing external built form. There will be no change in the stormwater discharge from the site. The current development has down pipes discharging to ground with stormwater draining to ground. Stormwater then flows overland to the legal point of discharge being Charles Street and Wilmington Street. No nuisance water is discharged to adjacent properties.

On this basis it is our professional opinion that a Stormwater Management Plan is not required.

Response to Condition 4.1(viii)b

BSC Clause 4.1(viii)b Condition	FortisEM Response.
(i) Implement the approved traffic engineering assessment requirements	Not Required
(ii) Provide a minimum of five (5) on site carparking spaces for residents or as determined in the approved traffic engineering assessment, whichever is greater.	A total of six (6) onsite carparking spaces have been provided.
(iii) Development must include specific parking spaces for staff including managers and employees required to be onsite at any one time, as determined in the approved traffic engineering assessment.	One resident of the facility will be appointed as onsite manager. Given the manager will be a resident, no additional employee parking is required.
(iv) Provide a minimum of one (1) on-site accessible (disabled) carparking space or as determined in the approved traffic engineering assessment.	We agree that one (1) on-site accessible (disabled) carparking space should be provided. Appropriate conditions should be provided for one of the existing carparking spaces to be altered to a disabled carparking space or a new carparking space be provided.
(v) Provide adequate on-site visitor carparking spaces, as determined on-site visitor carparking spaces, as determined by the approved traffic engineering assessment.	Adequate on-street carparking is provided given the nature of the facility.
(vi) Provide adequate on-site dedicated bus parking spaces, as determined by the approved traffic engineering assessment.	We do not believe an on-site dedicated bus parking space is required. The facility is serviced by a mini-bus not a full size bus. Alteration of existing on-street carparking to Charles Street to provide an appropriately sized bus bay will be adequate. We recommend appropriate conditions be provided.
(vii) Provide for adequate and safe manoeuvring of vehicles on site with parking spaces, access and driveways not to be used for another purpose.	All vehicles can enter and exit in a forward motion and adequate onsite manoeuvring of vehicles can be undertaken.
(viii) Provide pedestrian access, both internal and external to the site, that is separated from vehicular access to minimise the potential for pedestrian and vehicle conflict.	There is already adequate pedestrian crossing to the site and residents are able to access the facility without entering the driveways.
(ix) Development must not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding areas.	Vehicle movements are very low with estimates as follows: 1. Estimated 18 vehicle movements per day. 2. Estimated 3 mini-bus movements per day.
(x) Provide design and construction details for access, internal roadways, parking areas in accordance with approved plans and documents of development, the relevant Australian Standards and Council's standards and requirements.	Appropriate conditions to be provided for Disabled carparking and an on-street bus bay to be provided.

Response to Condition 4.1(viii)g Waste Management

There is no bulk waste storage on site. The site is serviced by wheelie bins that are kept in the garages. This condition is not applicable.

Response to Condition 12.3

The current site stormwater is managed as follows:

1. Roof stormwater is discharged to ground via down pipes.
2. Stormwater then overland flows to legal point of discharge being Charles Street and Willmington Street.
3. No Nuisance water to adjacent properties.

Stormwater is adequately managed and there is not alteration to the existing built form of the development proposed.

Response to Condition 12.4

Please refer response to Condition 12.3

Response to Condition 14.3

All vehicles accessing and exiting the site are able to leave in a forward direction. Vehicles enter from Willmington street. Once onsite there is sufficient room for the vehicles to reverse and turn at the rear of the site and exit in a forward motion back on to Willmington Street. Alternatively, vehicles may drive through an exit in a forward motion onto Charles Street.

Response to Condition 14.4

Refer to response to Condition 4.1(viii) a.

Response to Condition 14.5

Refer response to Condition 14.3.

Response to Condition 14.6

There is provision for separation of pedestrian access from vehicular access on the site. Access to the building can be obtained via the laundries, patios and verandas and does not require additional access to be provided. Further given the very low traffic volumes associated with the site use, it is our professional opinion that there is limited risk with pedestrians also using the shared driveway access if they choose to.

Response to Condition 14.8

There are no redundant crossovers at the site. This condition is not applicable.

Response to Condition 22

No physical change to the external built form or site is being undertaken, as such no earth will be exposed at any stage. As such it is our professional opinion that a Soil Erosion Minimisation, Sediment Control plan is not required.

Response to Condition 23

No physical change to the external built form or site is being undertaken. As such it is our professional opinion that a Dust Management plan is not required.

Yours faithfully

Bill Hutton

Principal Engineer

BEng Civil (Hons1), MIEAust, CPEng, NPER, RPEQ 13047, PE0001107



Attachment 3

BURDEKIN BUILDING DESIGN

Building Design and Drafting

Ayr Office:
141 Mackenzie Street
Ayr Qld Australia 4807

E: burddraf@tpg.com.au
M: 0411425592

Brisbane Office:
10 Cleavue Street
Geebung Qld 4034

Our Ref: BBD1900033

Your Ref: MCU21/0011

29th June, 2022

The Chief Executive Officer
Burdekin Shire Council
145 Young Street
Ayr, Qld 4807

Dear Sir,

**Re: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DECISION NOTICE FOR PROPOSED BACKPACKERS ACCOMMODATION
DEVELOPMENT AT 111 CHARLES STREET, AYR QLD 4807**

On behalf of my client **Produce Pickers Pty Ltd & Burdekin Building Design (BBD)** we would like to express our extreme disappointment to the Burdekin Shire Council (BSC) with regards to the Decision Notice and the Conditions applied to the above MCU application. This disappointment is based on the following;

The preparation of this application & its contents submitted had been discussed with BSC Town Planning Department Staff prior to submission and very early in the development of the project.

This is a method that BBD & BSC have used successfully on all of our projects and the purpose of these pre-lodgment discussions is to ensure the BSC has an input throughout the procedure of developing the application and our client is informed and aware of the expectations and possible outcomes.

This application was not only prepared using the above input but it was also based on previous applications prepared for similar project which were successfully assessed using the same occupancy calculation rate used for this application and the Decision Notice Conditions did not include the number of Reports requested of this application. (Refer to Attachment 1 & 2).

The following is a summary of preparation and process of the application above;

14/10/2021	MCU for Material Change of Use application submitted by BBD (email).
26/10/2021	Confirmation Notice Received from BSC – Informing BBD that the Application was properly made.
08/11/2021	BSC issued an Information Request (IR) – Requesting a Traffic Management Plan.
11/11/2021	BBD issued an email requesting clarification of the (IR) above.
22/11/2021	BSC (Glen Stockdale) confirmed via email that a Traffic Impact Assessment report was to be submitted not a Traffic Management Plan as originally requested.

- 17/02/2022 BBD phoned BSC (Glen Stockdale) to discuss the necessity of the Traffic Impact Assessment report.
- 17/02/2021 BSC (Glen Stockdale) confirmed via email the following (Refer to Attachment 3) -
 "After a review of your application, I believe the parking arrangements for the development have been adequately addressed. Please disregard the Information Request for a Traffic Impact Assessment."
- 17/02/2022 BSC (Megan Bradford) notified BBD that Public Notification (PN) can proceed for this application.
- 17/03/2022 BBD commenced PN.
- 07/04/2022 PN period expired.
- 08/04/2022 BSC (Marty Pearce) issued copied of Notifications received during PN.
- 11/04/2022 BBD issued Notice of Compliance for PN to BSC.
- 29/04/2022 BSC (Megan Bradford) issued copies of Notifications received during PN and a request by BSC for an extension of time for the decision-making period up to 15th June, 2022.
- 05/05/2022 BSC (Kellie Galletta) issued a Further Advice Request (FAR) requiring the following information.
Please note that part of the contents of that request included reports from professional services which at the time of receiving allowed the applicant insufficient time to contact, engage & prepare reports prior to the BSC requested extension of time for decision making period up to 15th June 2022.
- 12/05/2022 BBD issued a response to BSC (Megan Bradford) email dated 29/04/2022 & provided additional information regarding the submissions received for the application.
- 12/05/2022 BBD issued a response to BSC (Kellie Galletta) FAR and granted the requested extension of time for the decision-making period up to 15th June, 2022 in good faith.
- 13/05/2022 BSC (Kellie Galletta) acknowledges BBD email above in regards to extension of time for the decision-making period up to 15th June, 2022.
- 15/06/2022 BBD received Decision Notice.

The main issues with the Decision Notice include but are not limited to the following conditions;

Recommended Conditions of Approval

Item 4 New/Additional Documentation Required

4.1 i. Occupancy Rates:

This application has implemented the same occupancy rate used in the past 3 similar project (Backpackers Accommodation) applications - 2.5m² per person which would allow for 60 occupants max.

Recommended Condition of Approval 5.1 states the following;
 Ensure a maximum twenty-four (24) single beds are provided for the development within the 6 rooming units as shown on the approved plans.

This is a reduction of occupants by 60%.

ii. Requested Reports:

There are no less than 6 different types of reports requested in this Decision Notice Conditions.

NOISE IMPACT REPORT:

Previous applications approved for similar projects have NOT required this report from the Assessment Manager. (Refer to Attachment 1 & 2). Are we located next to a major highway I'm not aware of? Does the town plan trigger this requirement for long stay accommodation on minor roads?

TRAFFIC ENGINEERING ASSESSMENT REPORT:

The Traffic Engineering Assessment Report formed part of the original BSC (IR) which was then withdrawn by the BSC Engineering Department (Refer to Attachment 3) Why is it now conditioned?

INFRASTRUCTURE AND SERVICING ASSESSMENT:

Previous applications approved for similar projects have NOT required this report from the Assessment Manager. (Refer to Attachment 1 & 2).

FLOOD ASSESSMENT REPORT:

It was understood that due to the use of the existing main building which is to remain as similar to its existing use with no additions a flood assessment report was not required or necessary.

STORMWATER MANAGEMENT REPORT:

Previous applications approved for similar projects have NOT required this report from the Assessment Manager. (Refer to Attachment 1 & 2).

LANDSCAPING PLAN:

Previous applications approved for similar projects have NOT required this report from the Assessment Manager. (Refer to Attachment 1 & 2).

In addition to the reports listed above, the FAR received on the 5th May 2022 indicated that the applicant could obtain the following report to demonstrate to BSC the 60 people occupancy.

IMPACT & ECONOMIC BENEFITS ASSESSMENT REPORT:

Previous applications approved for similar projects have NOT required this report from the Assessment Manager. (Refer to Attachment 1 & 2).

For the past 20 years BBD believed it had developed a mutual respectful relationship with the BSC. BBD has ensured that BSC departments are involved in all our projects from the beginning.

Based on the outcome of this application and more importantly the fact that the Assessment Manager has issued a Further Advice Request (FAR) just prior to the application being discussed at a BSC Council Meeting without any prior communication or even notification to the applicant appears that BSC no longer wishes to continue this type of pre-lodgment process with BBD.

BBD fully understand that policies & standards change but to implement the changes listed in the FAR for this application at the 11th hour is in our opinion unreasonable & disappointing especially without any prior communication or warning.
My client Produce Pickers Pty Ltd have also expressed their disappointment and concerns with the BSC Decision Notice Conditions. Please refer to a copy of the client's response letter – Attachment 4.

Based on the information provided above, we would like the Decision Notice –
Conditions revised as follows:

Occupancy Rate:

Delete: 24

Insert: 60

Noise Impact Report:

Delete

Traffic Engineering Assessment Report:

Not Required in accordance to Engineering Department.

Infrastructure and Servicing Assessment:

Delete.

Flood Assessment Report:

Delete.

Stormwater Management Report:

Delete.

Landscaping Plan:

To be conditioned as part of the Operational Works Application or
Development Building Application.

Impact & Economic Benefits Assessment Report:

Delete.

Please do not hesitate to contact me if you require further information regarding this matter.

Yours faithfully,

BURDEKIN BUILDING DESIGN

Rick Spark

Director.

Attachment B – Recommended Amendments to Conditions of Approval

Condition	Reason	Timing
1. General and Administration		At all times.
1.1 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the applications supporting material, except where modified by the conditions of this Development Permit and any approval issued there under.		
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) will prevail.		
1.3 The proposed development must comply with all Planning Scheme requirements as applying at the date of this approval, except as otherwise specified by any condition.		
2. Approved Plans and/or Documents	The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	During the operation and life of the development.
2.1 The proposed development must be completed and maintained generally in accordance with the drawing/ documents identified in the Table below, except as otherwise specified by any condition of this approval.		
2.2 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 and during compliance checks.		
2.3 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) will prevail.		
2.4 The proposed development must comply with all scheme requirements as applying at the date of this approval, except as otherwise specified by any condition of this approval.		
2.5 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.		

Attachment B – Recommended Amendments to Conditions of Approval

Condition		Reason	Timing
3. Approved Plans			
Drawing Title	Drawing Ref & Issue	Issue and Sheet No.	Date Rec
Cover Sheet	BBD1900033	A(iii) Sheet A00	12/10/2021
Site Plan – New Layout	BBD1900033	A(iii) Sheet A01	12/10/2021
Gnd & 1 st Floor – Refurb. Floor Plans	BBD1900033	A (iii) Sheet A02	12/10/2021
Elevations – Sheet 1	BBD1900033	A (iii) Sheet A03	12/10/2021
Elevations – Sheet 2	BBD1900033	A (iii) Sheet A04	12/10/2021
4. New/additional Documentation Required			
4.1	Submit: <div><div><div>i. <u>Amended proposal plans that demonstrate compliance with the permitted maximum density of twenty-four (24) persons (including residents and resident staff) permitted to reside at the premises at any one time.</u></div><div><div><div><div><div></div><div></div></div><div><div></div><div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div></div><div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div></div><div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div></div><div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div></div><div></div></div><div><div></div><div></div></div><div><div></div><div></div></div></div> <div><div></div><div></div></div> <div><div></div><div></div></div> <div><div></div><div></div></div> <div><div></div><div></div></div> <div><div></div><div></div></div> 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Condition	Reason	Timing
<p>suitably qualified professional <u>that demonstrates that the existing infrastructure and servicing can support a tourist accommodation (backpackers) use (at a permitted maximum density of twenty-four (24) persons)-</u></p> <p>iv. Flood Assessment report prepared by a suitably qualified professional.</p> <p>v. Stormwater Management Plan prepared by a suitably qualified professional.</p> <p>vi.iii. Landscaping plan prepared by a suitably qualified professional.</p> <p>vii.iv. Amended proposal plans that address:</p> <p>viii.v. Privacy screening</p> <p>ix.vi. Provide privacy screening or alternative treatments where:</p> <p>x.vii. Habitable room windows or balconies of ground and above ground floor dwelling units that directly face another habitable room or balconies on the same site or an adjoining site, and that are within 9m; and/or</p> <p>xi.viii. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or adjoining sites.</p> <p>xii.ix. Treatments may consist of:</p> <p>xiii.x. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading; and</p> <p>xiv.xi. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and</p>		

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<p>with a maximum of 50% transparency.</p> <p>xv.<u>xii.</u> <u>Access, Parking and Traffic</u></p> <p><u>a. Provide a minimum of five (5) on site carparking spaces for residents</u></p> <p><u>b. Provide a minimum of one (1) on site carparking spaces for for every two (2) staff required to be on site at any one time..</u></p> <p><u>c. Provide a minimum of one (1) on-site accessible (disabled) carparking space</u></p> <p><u>d. Provide a minimum of one (1) on-site dedicated bus parking space.</u></p> <p><u>e. Provide adequate on-site visitor carparking spaces, sufficient to service the anticipated demand.</u></p> <p><u>f. All carparking spaces associated with the proposed use are to be provided on site.</u></p> <p><u>g. Ensure pedestrian access, both internal and external to the site, is effectively separated from vehicular access to minimise the potential for pedestrian and vehicle conflict.</u></p> <p><u>h. All on-site car parking facilities, driveways and manoeuvring areas must be designed and constructed in accordance with Council's requirements and the relevant Standards.</u></p> <p>xvi. Implement the approved traffic engineering assessment requirements.</p> <p>xvii. Provide a minimum of five (5) on site carparking spaces for residents or as determined in the approved traffic engineering assessment, whichever is the greater.</p> <p>xviii. Development must include specific parking spaces for staff including managers and employees required to be on site at any one time, as determined</p>		

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<p>in the approved traffic engineering assessment.</p> <p>xix-xiii. Provide a minimum of one (1) on-site accessible (disabled) carparking space or as determined in the approved traffic engineering assessment.</p> <p>xx. Provide adequate on-site visitor carparking spaces, as determined by the approved traffic engineering assessment.</p> <p>xxi. Provide adequate on-site dedicated bus parking spaces, as determined by the approved traffic engineering assessment.</p> <p>xxii. Provide for the adequate and safe manoeuvring of vehicles on site with parking spaces, accesses and driveways not to be used for any other purpose.</p> <p>xxiii. Provide pedestrian access, both internal and external to the site, that is separated from vehicular access to minimise the potential for pedestrian and vehicle conflict.</p> <p>xxiv-xiv. Development must not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding uses.</p> <p>xxv-xv. Provide design and construction details for accesses, internal roadways, parking areas in accordance with approved plans and documents of development, the relevant Australian standards and Council's standards and requirements.</p> <p>xxvi-xvi. Communal Open Space</p>		

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<p>xxvii.xvii. Provide sufficient communal open space that is accessible, useable and safe, centrally located and landscaped to an appropriate standard and designed and located in such a way to ensure any noise impacts are acceptable.</p> <p>xxviii.xviii. A minimum of 30m² landscape area per dwelling unit, with at least 40% of total space in one useable parcel being not less than 5m in width, is to be provided.</p> <p>xxix.xix. <u>Acoustic Attenuation Measures</u></p> <p>xxx.xx. Implement the requirements of the approved Noise Impact Assessment.</p> <p>xxxi.xxi. Provide the acoustic attenuation measures as specified in the approved Noise Impact Assessment by a suitably qualified professional.</p> <p>xxxii.xxii. <u>Landscaping</u></p> <p>xxxiii.xxiii. Each dwelling unit is to be provided with a minimum:</p> <p>xxxiv.xxiv. 30m² landscape area per unit with at least 40% of total space in one useable parcel being not less than 5m in width.</p> <p>xxxv.xxv. <u>Screen Fence</u></p> <p>xxxvi.xxvi. A minimum 1.8m high screen fence is to be provided along both the Charles and Wilmington Street boundaries (excepting access) to block views of and from adjoining uses, unless otherwise determined in the approved noise assessment report.</p> <p>xxxvii.xxvii. <u>Waste Management</u></p>		

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	<p>xxxviii-xxviii. The approved waste storage area is to be of sufficient size to house all garbage bins including <u>commercial bins and</u> recycling bins and is the area is to be suitably screened.</p> <p>xxxix-xxix. The storage area is suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection, provided.</p> <p>xl-xxx. Amended planning report that reflects the findings and requirements of the above listed assessments and the requirements for the amended proposal plans.</p>		
4.2	Obtain approval from Council for the assessments and proposal plans listed in 4.1.		
4.3	Implement the requirements and recommendations of the assessments and amended plans. The approved amended plan/s and planning report will form part of the approval.		
5. Operation of the Use			
5.1	Ensure a <u>A suitable bedding layout supporting the permitted maximum density of twenty four (24) persons)maximum twenty four (24) single beds are is to be</u> provided for the development <u>for the use</u> within the <u>six (6) rooming units as shown on the approved plans.at all times.</u>	To ensure all development is appropriately located, designed and operated to provide a safe and pleasant environment while reasonably maintaining the amenity experienced in the locality, in accordance with anticipated site densities for the Residential Zone.	At all times.
5.2	<p><u>To ensure the accommodation facility operates strictly in accordance with its intended use, an onsite manager is to reside within the premises at all times.</u></p> <p><u>The operator of the Accommodation Facility must keep a Complaints Register on the premises at all times, for the inspection of an authorised office of the Council identifying:</u></p> <ul style="list-style-type: none"> <u>the time, date and detail of any complaint made to the operator relating to the use and occupation of the Accommodation Facility; and</u> 		

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<p><u>any action or response taken by the operator to rectify or reasonably deal with the complaint.</u></p> <p>Ensure the use operates with an onsite manager present at all times unless otherwise agreed to in writing by the Council with the onsite manager to be responsible for ensuring residents of the development comply with the conditions of this development approval.</p>		
<p>5.3 Ensure residents of the development do not park their vehicles in Charles Street or Wilmington Street or on any footpath adjacent to the subject site, at any time.</p>		
<p>6. Outstanding charges</p> <p>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</p>		
<p>7. Compliance with Conditions</p> <p>The proposed development must comply with all conditions of this development permit prior to the commencement of the use, or prior to the issue of the Certificate of Classification by the building certifier, whichever occurs first.</p>	<p>The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.</p>	<p>During the operation and life of the development.</p>
<p>8. Privacy Screening</p> <p>Privacy screening or suitable alternative treatments to:</p> <ul style="list-style-type: none"> i. Habitable room windows or balconies of ground and above ground floor dwelling units that directly face another habitable room or balconies on the same site or an adjoining site, and that are within 9m; and/or ii. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or adjoining sites. iii. Treatments may consist of: <ul style="list-style-type: none"> a) Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading; and 	<p>To ensure the development appropriately addresses privacy requirements for residents and neighbouring residents to ensure a suitable level of amenity and privacy is maintained in the Residential Zone.</p>	<p><u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u></p> <p><u>To be maintained at all times, for the life of the development.</u></p>

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<p>b) Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.</p>		<p>Prior to the issue of the Certificate of Classification by the Building Certifier or the commencement of the use, whichever occurs first, and to be maintained at all times.</p>
<p>9. Acoustic and Noise Attenuation Measures</p> <ul style="list-style-type: none"> i. Implement the requirements of the approved Noise Impact Assessment. ii. Provide the acoustic attenuation measures as specified in the approved Noise Impact Assessment by a suitably qualified professional. iii. Provide certification by a suitably qualified person that the approved noise attenuation measures have been installed /implemented in accordance with the specifications of the approved Noise Impact Assessment. iv. Appropriate acoustic barriers must be provided along the shared property boundary with 11 Charles Street (Lot 2 on SP257342) and the shared property boundary with 111 Wilmington Street (Lots 1-3 on BUP71643), to ensure an appropriate level of amenity is afforded to the surrounding residential uses. v. Noise levels to adjoining properties external to the proposed development do not exceed acoustic quality objectives under the <i>Environmental Protection (Noise) Policy 2019</i>. 	<p>To ensure the development does not have a detrimental impact on the residential amenity of the surrounding land in accordance with relevant code/s and policy direction.</p>	<p><u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u> <u>To be maintained at all times, for the life of the development.</u></p> <p>Prior to the issue of the Certificate of Classification by the Building Certifier or the commencement of the use, whichever occurs first.</p>
<p>10. Communal Open Space</p> <ul style="list-style-type: none"> i. Provide sufficient communal open space at a rate of 30m² landscape area per dwelling unit. 	<p>To ensure the development provide occupants with an</p>	<p><u>Prior to the issue of the change of classification</u></p>

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ii. A minimum of 40% of total space in one useable parcel being not less than 5m in width, is to be provided.	appropriate level of communal open space.	<u>approval by the Building Certifier or the commencement of the use, whichever occurs first.</u> <u>To be maintained at all times, for the life of the development.</u> Technical details must be submitted to council as part of an application for Operational Work and to be maintained for the life of the development.
11. Public Utility Services The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.		At all times.
12. Stormwater Drainage 12.1 Implement the approved Stormwater Management Plan. <u>12.1 Should any alterations greater than 20% to the existing impervious area be required as result of achieving the requirements of the conditions of approval, a Stormwater Management Plan will be required to be submitted to Council for approval.</u> 12.2 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	To convey stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction,	Technical details must be submitted to council as part of an application for Operational Work and to <u>To be maintained for the life of the development.</u>

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<p>concentration of stormwater on adjoining land or roads.</p> <p>12.3 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p> <p>12.4 Stormwater drainage must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with <i>AS3500.2.2003</i> or as otherwise required or agreed to in writing by the Chief Executive Officer.</p>		
<p>13. Landscaping</p> <p>A landscape design plan shall be submitted and approved by the Chief Executive Officer.</p> <p>This plan must be prepared by a landscape architect or other suitably qualified and experienced person professional detailing the following:</p> <p><u>Onsite:</u></p> <p>a) Identification of existing trees to be retained on the site.</p> <p>b) all <u>All</u> proposed trees, shrubs and ground covers.</p> <p>c) The location of all areas, to be covered by turf or other surface material including paving and surface treatment details.</p> <p><u>Other</u></p> <p>d) Landscaping and irrigation must be constructed in accordance with the approved landscaping plan(s) and constructed to the relevant standards in accordance with council's specification.</p>	<p>To enhance the appearance of the development in accordance with Council's relevant code/s and policy direction.</p>	<p><u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u></p> <p><u>To be maintained at all times, for the life of the development.</u></p> <p>Technical details must be submitted to council as part of an application for Operational Work.</p> <p>The landscaping must be provided in accordance with any approval issued and be maintained for</p>

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		the life of the development.
<p>14. Access, Roadworks and Traffic</p> <p>14.1 Undertake all works in accordance with the requirements of the approved Traffic Engineering assessment report.</p> <p><u>14.1 The proposed development must be conducted in a manner that applies reasonable and practicable means necessary to avoid, minimise or manage any traffic impact.</u></p> <p><u>In the event of a complaint being received by Council in relation to traffic impacts associated with the use, the developer/operator must engage a suitably qualified traffic engineer to undertake an impact assessment addressing these matters accordance with the provisions of the relevant legislation, regulations, Australian Standards and any other policies to the satisfaction of the Burdekin Shire Council.</u></p> <p><u>The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method of mitigation measures.</u></p> <p><u>The developer/operator must provide a copy of the report to Council and undertake any works outlined in the report (if required) within three (3) months at no cost to Council.</u></p> <p>14.2 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and is to be constructed to the satisfaction of the Chief Executive Officer and Council's standards.</p> <p>14.3 All vehicle access, parking and manoeuvring areas proposed for the development must be adequate, safe and designed in accordance with the relevant standards and Council's policies, with all vehicles entering and exiting the site in a forward direction.</p> <p>14.4 The proposed development must not impact adversely on the efficiency and safety of the transport</p>	<p>To provide development with access in accordance with council standards.</p>	<p><u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u></p> <p><u>To be maintained at all times, for the life of the development.</u></p> <p>Technical details are to be submitted to council as part of an application for Operational Work.</p>

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<p>network and those who use it, nor adversely impact on the immediately surrounding uses.</p> <p>14.5 Vehicles must not exit the site nor cross the property boundary in reverse direction.</p> <p>14.6 Proposed pedestrian access, both internal and external to the site, must be <u>clearly</u> separated from vehicular access <u>and defined</u> to minimise the potential for pedestrian and vehicle conflict.</p> <p>14.7 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 the satisfaction of the Chief Executive Officer.</p> <p>14.8 Any redundant crossover in the kerb and channel must be removed and replaced with new kerb and channel.</p> <p>14.9 During the construction phase, any damage to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with council's standards.</p> <p>14.10 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.</p> <p>14.11 Roadworks Approval</p> <p>The developer is responsible for obtaining a Roadworks permit for the installation of any hoardings, gantries or temporary road closures of the footpath or road prior to the commencement of works.</p> <p>14.12 The application must indicate the following:</p> <p>a) Completed Roadworks permit application form.</p> <p>b) Prescribed fee.</p> <p>c) Traffic Management Plan prepared by a suitable qualified traffic professional detailing the traffic management measures put in place to manage all Roadworks including pedestrians, cyclists and vehicles in accordance with the Manual of Uniform</p>		

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<p>Traffic Control Devices (Queensland) Part 3 – Works on Roads.</p> <p>d) If the works require closure of part of the road reserve, a temporary Road Closure Permit will be required.</p> <p>———— This permit allows for a section of road reserve to be ——— closed for the purpose of works. The Queensland ——— Police Service is the issuing authority for these permits. An application will need to be made to council ——— for a letter of ‘no objection’ prior to applying to the Queensland Police Service for the permit.</p> <p>a) 14.13 The Traffic Management Plan will need to be included ——— with the application to council.</p>		
<p>15. On Site Car Parking</p> <p>15.1 Implement the approved traffic engineering assessment requirements.</p> <p><u>15.1</u> Provide a minimum of five (5) on site carparking spaces for residents — or as determined in the approved traffic engineering assessment, whichever is the greater.</p> <p>15.2</p> <p><u>15.2</u> Provide a minimum of one (1) on site carparking spaces for Provide specific parking spaces for every two (2) staff including managers and employees required to be on site at any one time, as determined in the approved traffic engineering assessment.</p> <p><u>15.3</u> Provide a minimum of one (1) on-site accessible (disabled) carparking space or as determined in the approved traffic engineering assessment.</p> <p>15.5 Provide adequate on-site visitor carparking spaces, as determined by the approved traffic engineering assessment.</p> <p><u>15.4</u> Provide adequate a minimum of one (1) on-site dedicated bus parking spaces, as determined by the approved traffic engineering assessment.</p> <p><u>15.5</u> Provide adequate on-site visitor carparking spaces, <u>sufficient to service the anticipated demand.</u></p> <p><u>15.6 All carparking spaces associated with the proposed use are to be provided on site.</u></p>	<p>To ensure the development is appropriately serviced by car parking and access facilities in accordance with relevant code/s and policy direction.</p>	<p><u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u></p> <p><u>To be maintained at all times, for the life of the development.</u></p> <p>Technical details are to be submitted to council as part of an application for Operational Work.</p> <p>At all times and maintained for the life of the development.</p>

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Condition	Reason	Timing
<p>15.7 Parking spaces, accesses and driveways not to be used for any other purpose.</p> <p>15.8 Ensure <u>Provide</u> pedestrian access, both internal and external to the site, is effectively separated from vehicular access to minimise the potential for pedestrian and vehicle conflict.</p> <p>15.9 Development must not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding uses.</p> <p>15.10 All on-site car parking facilities, driveways and manoeuvring areas must be designed and constructed in accordance with Council's requirements and the relevant Standards.</p> <p><u>Note - The use of tandem car parking on site is not preferred by Council and must be designed to ensure no inconvenience to users arise from its use.</u></p> <p>15.11</p> <p><u>15.11 All car parking facilities must be always maintained to a safe operating standard thereafter.</u></p> <p><u>15.12 The proposed development must be conducted in a manner that applies reasonable and practicable means necessary to avoid, minimise or manage any impacts arising from it including car parking.</u></p> <p><u>In the event of a complaint being received by Council in relation to car parking and traffic impacts associated with the use, the developer/operator must engage a suitably qualified traffic engineer to undertake an impact assessment addressing these matters accordance with the provisions of the relevant legislation, regulations, Australian Standards and any other policies to the satisfaction of the Burdekin Shire Council.</u></p> <p><u>The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method of mitigation measures.</u></p> <p><u>The developer/operator must provide a copy of the report to Council and undertake any works outlined in the report (if required) within three (3) months at no cost to Council.</u></p> <p>15.12</p>		

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Condition	Reason	Timing
<p>16. Property Numbering</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>	<p>To allow the general public, service and emergency service providers to effectively identify the property.</p>	<p><u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u></p> <p><u>To be maintained at all times, for the life of the development.</u></p> <p>Prior to the commencement of the use and maintained for the life of the development.</p>
<p>17. Relocation of Services or facilities</p> <p>Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council.</p>	<p>To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.</p>	<p><u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u></p> <p><u>To be maintained at all times, for the life of the development.</u></p> <p>Prior to the issue of the Certificate of Classification by the Building</p>

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Condition	Reason	Timing
		Certifier or the commencement of the use, whichever occurs first, and maintained for the life of the development.
18. Storage 18.1 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. 18.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided. 18.3 Any storage on site is required to be screened from view from all roads and adjacent properties.	To ensure the development does not have a detrimental effect on the visual amenity of the surrounding land in accordance with relevant code/s and policy direction.	At all times following the commencement of the use.
19. Screen Fencing 19.1 A minimum 1.8m high screen fence is to be provided along both the Charles and Wilmington Street boundaries (excepting access) to block views of and from adjoining uses, unless otherwise determined in the approved noise assessment report. 19.2 The type and design of the fencing must be submitted and approved by the Chief Executive Officer as part of the Landscaping Plan.	To ensure the development does not have a detrimental effect on the amenity of the surrounding area and to address Crime Prevention through Environmental Design principles in accordance with the relevant code/s and policy direction.	<p>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</p> <p>To be maintained at all times, for the life of the development.</p> <p>Prior to the issue of the Certificate of Classification by the Building Certifier or the commencement of the use,</p>

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Condition	Reason	Timing
		whichever occurs first, and maintained for the life of the development.
20. Building Works A development permit for Building Works including a change of classification of building is to be obtained before commencement of the use and any assessable building works are carried out on the land the subject of the approval.		
21. Screening of Plant and Utilities Unless otherwise agreed in writing by council, all plant and utilities must be screened or located so as not to be visible from the street.	To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.	<u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u> <u>To be maintained at all times, for the life of the development.</u> Prior to the issue of the Certificate of Classification by the Building Certifier or the commencement of the use, whichever occurs first, and maintained for the life of the development.
22. Soil Erosion Minimisation, Sediment Control		

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Condition	Reason	Timing
<p>Where onsite works involve construction works involving exposure of earth, erosion and sediment control management, including site specific stormwater treatment devices, must be installed and maintained to the satisfaction of the Chief Executive Officer.</p> <p>Erosion and sediment control management including site specific stormwater treatment devices must be installed and maintained to the satisfaction of the Chief Executive Officer.</p>	To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.	At all times during the construction phase, <u>if required-</u>
<p>23. Dust Management</p> <p>A dust management plan must be prepared and submitted to council for approval.</p>	<p>To mitigate potential adverse impacts of dust hazards.</p>	<p>Technical details are to be submitted to council as part of an application for Operational Work.</p>
<p>24. Waste Management Facilities</p> <p>Refuse collection arrangements on site must be provided by the developer to the satisfaction of the Chief Executive Officer.</p> <p>In particular:</p> <ul style="list-style-type: none"> a) The approved waste storage area is to be of sufficient size to house all garbage bins including <u>commercial bins and</u> recycling bins and area is to be suitably screened. b) Storage area is suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection, provided. c) All waste generated as a result of the any construction of the and/or development <u>works</u> is to be effectively controlled and contained entirely within the boundaries of the site prior to disposal. d) All waste is to be disposed of in accordance with the <i>Environmental Protection Regulation 2019</i> and council's waste management policy. 	To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant code/s and policy direction.	<p>Amended plans providing details for the refuse facilities are to be submitted to council <u>for approval, prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u></p> <p><u>To be maintained at all times, for the life of the development.</u></p>

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Condition	Reason	Timing
		<p>-as part of an application for Operational Work.</p> <p>To be maintained for the life of the development.</p>
<p>25. Outdoor Lighting</p> <p>Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting.</p>	<p>To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the Queensland Environmental Protection Act 1994 Section 440.</p>	<p><u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u></p> <p><u>To be maintained at all times, for the life of the development.</u></p> <p>Prior to the issue of the Certificate of Classification by the Building Certifier or the commencement of the use, whichever occurs first, and to be maintained for the life of the development.</p>
<p>26. Signage</p> <p>Any signage to be associated with the use must be designed to satisfaction of the Chief Executive officer.</p>	<p>To maintain amenity for the adjoining properties.</p>	<p><u>Prior to the issue of the change of classification</u></p>

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Condition	Reason	Timing
<p>To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by council.</p>		<p><u>approval by the Building Certifier or the commencement of the use, whichever occurs first.</u> <u>To be maintained at all times, for the life of the development.</u> Prior to the issue of the Certificate of Classification by the Building Certifier or the commencement of the use, whichever occurs first.</p>
<p>27. Environmental Health</p> <ul style="list-style-type: none"> i. Facilities for the use of occupants at the premises must comply and be maintained at all times in accordance with the provisions of the relevant Local Law. ii. Detailed plans of proposed building or alterations, which comply with local law requirements, including details of all facilities, must be submitted and approved prior to the occupancy or use of any buildings used in connection with the accommodation business. iii. The accommodation business and all ancillary activities must be conducted within the boundaries of the premises that are the subject of this approval. 		<p><u>Prior to the issue of the change of classification approval by the Building Certifier or the commencement of the use, whichever occurs first.</u> <u>To be maintained at all times, for the life of the development.</u> Prior to the issue of the Certificate of Classification by the Building Certifier or the commencement of the use,</p>

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Condition	Reason	Timing
		whichever occurs first, and maintained for the life of the development.
28. Limitation of Approval i. This approval is limited to a Tourist Accommodation use defined by Schedule 1, Division 2 – Defined Uses and Use Classes of <i>Burdekin Shire IPA Planning Scheme</i> . ii. <u>Strict compliance with the permitted maximum density of twenty-four (24) persons (including residents and resident staff) permitted to reside at the premises at any one time is to be maintained at all times.</u>	The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	During the operation and life of the development.
29. Notice of Intention to Commence the Use 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.		Prior to the commencement of the use.

Advice	
1. Infrastructure Charges No infrastructure contributions are payable relevant to the Development Permit.	
2. General Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.	
3. Trade Waste A Trade Waste application may be required.	
4. General – Environmental Health (a) The operator of the premises must hold a licence with Burdekin Shire Council for the operation of the accommodation premises under the provisions of the <i>Local Government Act 2009</i> and Local Laws pursuant to the Act.	

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<p>(b) The activity must be operated in accordance with Council's Waste Management Policy and the <i>Environmental Protection Regulation 2019</i> to meet capacity for additional maximum accommodation capacity.</p>	
<p>5. Further Approvals Required</p> <p>a) Operational Work</p> <p>An Operational Work application associated with the following conditions must be submitted to Council for approval prior to the issue of a Development Permit for Building Works, unless otherwise approved by council.</p> <p>Condition 10 – Communal Open Space</p> <p>Condition 12 – Stormwater Drainage</p> <p>Condition 13 – Landscaping</p> <p>Condition 14 – Access, Roadworks and Traffic</p> <p>Condition 15 – On Site Car Parking</p> <p>Condition 23 – Dust Management</p> <p>Condition 24 – Waste Management Facilities</p> <p>All engineering, soil erosion and sediment control and landscaping designs and documentation associated with such an application must be prepared and, where necessary, certified by a suitably qualified/experience person.</p> <p>a) Building Works</p> <p>A Development Permit for Building Works including Change of Classification of Building to carry out building works prior to works commencing on site.</p> <p>Note - A Development Application for Building Works which include habitable rooms may have to include a 1% AEP Flood Certificate. This applies in Localised and River Flood areas as identified in Burdekin Shire Councils mapping.</p> <p>b) Plumbing and Drainage Works.</p> <p>If required, a Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.</p> <p>c) Road Works Permit</p> <p>If required, a Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.</p>	
<p>4. Further Inspections Required</p> <p>Compliance with Conditions</p>	

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<p>The following inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to a further approval.</p> <p><u>Condition 5 - Operation of the Use</u></p> <p><u>Condition 8 – Privacy Screening</u></p> <p><u>Condition 9 – Acoustic and Noise Attenuation Measures</u></p> <p><u>Condition 10 - Communal Open Space</u></p> <p><u>Condition 12 – Stormwater Drainage</u></p> <p><u>Condition 13 – Landscaping</u></p> <p><u>Condition 14 – Access, Roadworks and Traffic</u></p> <p><u>Condition 15 – On Site Car Parking</u></p> <p><u>Condition 17 - Relocation of Services or facilities</u></p> <p><u>Condition 18 - Storage</u></p> <p><u>Condition 19 - Screen Fencing</u></p> <p><u>Condition 21 - Screening of Plant and Utilities</u></p> <p><u>Condition 24 – Waste Management Facilities</u></p> <p>Condition 5 – Operation of the Use</p> <p>Condition 8 – Privacy Screening</p> <p>Condition 17 – Relocation of Services or facilities</p> <p>Condition 18 – Storage</p> <p>Condition 19 – Screen Fencing</p> <p>Condition 21 – Screening of Plant and Utilities</p> <p>Condition 22 – Soil Erosion Minimisation, Sediment Control</p>	
<p>5. Council Water Supply Connection</p> <p>The site is currently connected to Council’s reticulated water supply.</p> <p>Should a larger connection or relocation of a water meter be required as result of the proposed development, a copy of this permit and the approved water reticulation design must be submitted to Council with the appropriate application form for connection to council’s water supply.</p>	

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Council will respond to the application with a quotation for the work and upon payment will schedule the works for connection.	
<p>6. Council Sewerage Connection</p> <p>The site is currently serviced by Council's reticulated sewerage infrastructure.</p> <p>Modifications <u>Any modifications</u> proposed to the property's connection will be assessed as part of an application for Operational Work, and a</p> <p>A subsequent plumbing application will also be required to be submitted to council.</p>	
<p>7. Storage of Materials and Machinery</p> <p>All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by council.</p>	
<p>8. Building Work Noise</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"> ▪ 6.30 a.m. to 6.30 p.m. Monday to Saturday; with ▪ No work on Sundays or Public Holidays. 	To ensure compliance with the <i>Environmental Protection Act 1994</i> .
<p>9. Dust Management</p> <p>Dust control measures should be implemented onsite during the construction phase to prevent an environmental nuisance from affecting the occupiers and users of nearby premises.</p> <p><u>Where required, a dust management plan must be prepared and submitted to council for approval.</u></p>	
<p>10. Asbestos</p> <p>All asbestos removed from the site must be handled, transported and disposed of in accordance with the relevant legislation.</p>	
<p>11. Building Over/Adjacent to Services</p> <p>The developer is advised that should any proposed building structures be located over/adjacent to an existing service, an application to Council for consent under Section 191 of the Water Supply (Safety and Reliability) Act 2008 for building over or adjacent to services may be required.</p>	
<p>12. Waste Management</p> <p>All regulated waste must be removed from the site by a regulated waste removal contractor.</p>	

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<p>The records for this disposal must be kept on site and be available for viewing by an authorised officer.</p>	
<p>13. Plant and Utilities Noise</p> <p>All refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems must be located, designed and installed to not exceed a maximum noise level of:</p> <ul style="list-style-type: none"> ▪ 5dB(A) above background level between the times of 7am to 10pm; and ▪ 3 dB(A) above background level between the times of 10pm to 7am. 	<p>To ensure the use does not have a detrimental effect on the amenity of nearby sensitive receptors in accordance with the <i>Environmental Protection Act 1994</i>.</p>

Condition	Applicants Representation	Officers Assessment	Officers Recommendation
4. New/additional Documentation Required			
4.1 (i) Density	Delete.	<p>Representation as written, does not appear to make sense and it is unclear as to what the representation is about.</p> <p>A Tourist Accommodation use was applied for by the applicant. Therefore the Residential Zone density requirement is applicable.</p> <p>No professionally prepared documentation was provided by the applicant, supporting the argument that a higher density in this location is acceptable.</p>	<p>Condition to remain but amended to clearly reflect the approved maximum permitted density of twenty four (24) persons.</p> <p>All relevant and related Conditions (5 and 28) will be amended to reflect Council's requirements in this regard.</p>
4.1 (ii) Noise Impact Assessment	Amend.	Officers do not agree with the representations made, nor the amendments suggested.	Condition to remain but amended to reflect the approved maximum permitted density of twenty four (24) persons.
4.1 (iii) Traffic Engineering Assessment	Delete.	Officers agree with the representations made in part.	<p>Condition to be deleted.</p> <p>All relevant and related Conditions (14 and 15) will be amended to reflect Council's requirements in this regard.</p>

Attachment C – Officers Assessment of Change Representations

Condition	Applicants Representation	Officers Assessment	Officers Recommendation
4.1 (vii) Landscaping plan	Delete.	Officers do not agree with the representations made.	Condition to remain. Relevant and related Condition 13 will be amended to reflect Council's requirements in this regard.
4.1 (iv) Infrastructure and Servicing Assessment	Delete.	Officers do not agree with the representations made.	Condition to remain but amended to reflect the approved maximum permitted density of twenty four (24) persons.
4.1 (v) Flood Assessment	Delete.	Officers agree in part with the representations made.	Condition to be deleted. However a new Advice Note will be added to the approval reflecting Council's policy regarding habitable buildings that are mapped as being subject to inundation from flooding.
4.1 (v) Stormwater Management Plan	Amend.	Officers agree in part with the representations made.	Condition to be deleted. Relevant and related Condition 12 will be amended to reflect Council's requirements in this regard.
4.1 (viii) Amended proposal plans that address:	Deletion and amendments.	Officers agree in part with some of the representations made however amended	Condition to remain.

Attachment C – Officers Assessment of Change Representations

Condition	Applicants Representation	Officers Assessment	Officers Recommendation
<ul style="list-style-type: none"> a) Privacy screening b) Access, Parking and Traffic c) Communal Open Space d) Acoustic Attenuation Measures e) Landscaping f) Screen Fence g) Waste Management 		proposal plans are still required to be submitted and assessed.	Relevant and related conditions 8, 9, 10, 13, 14, 19 and 24 will be amended to reflect Council's requirements for these matters.
4.1 (xi) Amended Planning Report	Delete.	Officers have considered that the provision of additional reporting/documentation and proposal plans reflecting the maximum density of twenty four (24) persons permitted to reside on site, should suffice in lieu of providing an amended planning report.	Condition to be deleted.
4.2 Obtain approval from Council for the assessments and proposal plans listed in 4.1.	Delete.	Officers do not agree with the representations made.	<p>Condition to remain.</p> <p>Relevant and related conditions (9, 10, 13, 14, 24) will be amended to reflect Council's requirements in this regard.</p>

Condition	Applicants Representation	Officers Assessment	Officers Recommendation
4.3 Implement the requirements and recommendations of the assessments and amended plans. The approved amended plan/s and planning report will form part of the approval.	Delete.	Officers do not agree with the representations made.	Condition to be amended to clarify Council's requirements in this regard. Relevant and related conditions (9, 10, 13, 14, 24) will be amended to reflect Council's requirements in this regard.
5. Operation of the Use			
5.1	Delete.	It appears the applicant has misinterpreted the intent of this condition. The condition is not specifying furniture requirements per se, but the maximum density of residents permitted by this approval.	Condition to be amended to ensure clarity of its intent is expressed in its wording.
5.2	Amend.	Officers agree in part with the representations made.	Condition to be amended.
8. Privacy Screening;	Delete.	It appears the applicant has misinterpreted the intent of these conditions. These conditions are not a duplication of the relevant requirements of Condition 4.	Conditions 8, 9 and 10 to remain.

Condition	Applicants Representation	Officers Assessment	Officers Recommendation
9. Acoustic and Noise Attenuation Measures; 10. Communal Open Space;		<p>Rather the conditioning outlines the approval as two-part process required as a result of the absence of any professional documentation addressing these requirements being submitted as part of the development application, the conditions of approval have been written to:</p> <ul style="list-style-type: none"> (i) have the applicant provide Council with the relevant professional documentation that is considered reasonable for a development of this nature. Officers then have the ability to assess the said documentation; and (ii) Ensure that compliance is achieved, and the requirements of the approved professional documentation are appropriately implemented. 	
12. Stormwater Drainage			
12.1 Implement the approved Stormwater Management Plan.	Delete.	<p>It appears the applicant has misinterpreted the intent of this condition.</p> <p>This condition is not a duplication of the relevant requirements of Condition 4.</p>	Condition to be amended.

Condition	Applicants Representation	Officers Assessment	Officers Recommendation
		However officers agree in part with the representations made.	
13. Landscaping	Delete.	Officers do not agree with the representations made. This condition is not a duplication of the relevant requirements of Condition 4.	Condition to be amended to clarify and reflect Council's requirements in this regard.
14. Access, Roadworks and Traffic			
14.1 Undertake all works in accordance with the requirements of the approved Traffic Engineering assessment report.	Delete.	It appears the applicant has misinterpreted the intent of this condition. This condition is not a duplication of the relevant requirements of Condition 4. However officers agree in part with the representations made.	Condition to be amended to clarify and reflect Council's requirements in this regard.
Conditions 14.3 – 14.8; and 14.10	Neither delete nor amend.	These conditions are standard, relevant and reasonable conditions of approval. Applicant appears to acknowledge this by neither requesting deletion or amendment.	Conditions to remain.

Condition	Applicants Representation	Officers Assessment	Officers Recommendation
Conditions 14.11 – 14.13	Amend.	<p>These conditions are standard, relevant and reasonable conditions of approval.</p> <p>However officers agree in part with the representations made.</p>	<p>Condition to be deleted.</p> <p>The existing Advice Note will be amended to reflect Council's requirements where relevant, regarding these matters.</p>
15. On Site Car Parking			
Conditions 15.1 - 15.10	Delete.	<p>It appears the applicant has misinterpreted the intent of these conditions.</p> <p>These conditions are not a duplication of the relevant requirements of Condition 4.</p> <p>However officers agree in part with some of the representations made.</p>	Conditions to be amended to clarify and reflect Council's requirements in this regard.
19. Screen Fencing			
Conditions 19.1 - 19.2	Delete.	<p>It appears the applicant has misinterpreted the intent of these conditions.</p> <p>These conditions are not a duplication of the relevant requirements of Condition 4.</p> <p>Officers do not agree with the representations made.</p>	Conditions to remain.

Condition	Applicants Representation	Officers Assessment	Officers Recommendation
22. Soil Erosion Minimisation, Sediment Control	Amend.	These conditions are standard, relevant and reasonable conditions of approval. However officers agree in part with the representations made.	Condition to be amended to clarify Council's requirements in this regard, if required.
23. Dust Management	Amend.	These conditions are standard, relevant and reasonable conditions of approval. However officers agree in part with the representations made.	Condition to be deleted. However a new Advice Note will be added to the approval reflecting Council's requirements where relevant, regarding these matters.
24. Waste Management Facilities	Delete.	It appears the applicant has misinterpreted the intent of these conditions. These conditions are not a duplication of the relevant requirements of Condition 4. This condition is a standard, relevant and reasonable condition of approval. Officers do not agree with the representations made. Further a previous site inspection found that bulk JJ Richard commercial waste bins are present on site, in addition to Council's standard rubbish bins.	Condition to remain.

Attachment C – Officers Assessment of Change Representations

Condition	Applicants Representation	Officers Assessment	Officers Recommendation
27.Environmental Health	Amend.	<p>These conditions are standard, relevant and reasonable conditions of approval.</p> <p>Officers do not agree with the representations made.</p>	Conditions to remain.

Advice Note	Applicants Representation	Officers Assessment	Officers Recommendation
5. Further Approvals Required a) Operational Work	Delete.	Officers agree in part with the representations made.	Relevant Advice Notes to be amended to reflect Council's requirements in this regard.