



**Burdekin Shire Council**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 25 October 2022**

**COMMENCING AT 9:02 AM**

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## **ORDER OF BUSINESS:**

### **1. ATTENDANCE**

Councillor Lyn McLaughlin, Councillor Sue Perry, Councillor Kaylee Boccalatte, Councillor John Bonanno, Councillor Michael Detenon, Councillor John Furnell, 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)

Mrs. K. Galletta - Manager Planning and Development (Part)

Mr. D. Mulcahy - Manager Environmental and Health Services (Part)

Ms. F. Smith - Financial Accountant Reporting (Part)

Mr. M. Furlong - Graduate Financial Accountant (Part)

Minutes Clerk - Ms. G. Biffanti

A minute's silence was observed over the passing of Council employee Ms. Debra Sherak who died on Saturday morning, 22 October 2022. Ms. Sherak is being remembered as a valued member of the Water and WasteWater Department and of the Council.

### **2. PRAYER**

The meeting prayer was delivered by Pastor Peter Holmes of the Australian Christian Churches.

*9.08am - Ms. Smith and Mr. Furlong entered the meeting.*

*9.09am - Mr. Byers entered the meeting.*

### **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 7.3.2 Reconfiguring a Lot - One (1) into Two (2) Lots 20 Fowler Road, Osbourne (Lot 220 on SB108) as she is a close personal friend and had previously engaged the services of Lucy Poppi who with David Fowler is an applicant for planning approval to reconfigure the land in question. Councillor McLaughlin advised of her intention to leave the meeting during this discussion.

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

##### **4.1. Ordinary Council Meeting Minutes - 11 October 2022**

###### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 11 October 2022 be received as a true and correct record.

###### **Resolution**

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

CARRIED

##### **4.2. Economic Development Advisory Group Meeting Minutes - 1 September 2022**

###### **Recommendation**

No recommendations to report.

That:

1. the minutes of the Economic Development Advisory Group Meeting held on 1 September 2022 be noted and adopted.

###### **Resolution**

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

CARRIED

##### **4.3. Burdekin Shire Youth Council Meeting Minutes - 10 October 2022**

###### **Recommendation**

###### Item 5 - Family Movie Night

That Council notes feedback and involvement of the Burdekin Shire Youth Council Members in the Mental Health Week Family Movie Night held on Saturday 8 October, in conjunction with the Burdekin PCYC.

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 10 October 2022 be noted; and
  2. the recommendations as detailed in the minutes and summarised in Item 5 above be adopted.
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## **Resolution**

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

CARRIED

## **5. EXECUTIVE**

### **5.1. CEO**

#### **5.1.1. Council Workshops - September 2022**

##### **Executive Summary**

The Council conducted two (2) general workshops in September, with workshops held on 6 and 20 September 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 6 and 20 September 2022 be received and noted.

##### **Resolution**

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

CARRIED

#### **5.1.2. Ordinary Council Meetings - December 2022 and January 2023**

##### **Executive Summary**

The Council's Ordinary Meeting cycle is normally varied during the December/January period each year to accommodate the absence of Councillors and key staff due to personal and leave commitments over this period. It is proposed to hold only one (1) Ordinary Council meeting in December 2022 and also one (1) meeting in January 2023. The Workshop Meeting cycle will also be varied during this period.

##### **Recommendation**

That the normal Council Ordinary Meeting cycle be varied in December 2022 and January 2023 with only one (1) meeting being held in each month on the following dates:

- Tuesday 13 December 2022
  - Tuesday 17 January 2023
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and the Workshop Meeting cycle also be varied during this period.

### **Resolution**

Moved Councillor Detenon, 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**

#### **6.3.1. First Revised Budget Report 2022-2023**

##### **Executive Summary**

In accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*, Council may, by resolution, amend the budget for a financial year at any time before the end of the financial year. As required by the regulation, Council has completed a budget revision for 2022/23 and the next two (2) financial years.

Management has completed a high level review of the 2022/23 budget based on results to the end of August and estimated transactions for the remainder of the financial year. The first amended budget includes capital carryover projects and funding from the previous financial year.

An amended budget for the 2022/23 financial year is submitted for adoption.

##### **Recommendation**

That the amended budget and report for the period ending 30 June 2023 as tabled be adopted.

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## **Resolution**

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

CARRIED

### **6.3.2. Monthly Financial Report - September 2022**

#### **Recommendation**

That the Monthly Financial Report for Period Ending 30 September 2022 be received.

#### **Resolution**

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

CARRIED

*9.40am - Mr. Mulcahy entered the meeting.*

*9.50am - Ms. Smith and Mr. Furlong left the meeting.*

## **6.4. GOVERNANCE**

### **6.4.1. Interest Free Loan Request - Burdekin Race Club Incorporated**

#### **Executive Summary**

A formal request has been received from Burdekin Race Club Incorporated for an interest free loan of \$400,000.00. The funds would be used towards the cost of completing Stage 2 extension to their complex to create a function room above the existing betting ring and bar area at 28710 Bruce Highway, Home Hill.

#### **Recommendation**

That Council approve an interest free loan to Burdekin Race Club Inc of \$120,000.00 towards the cost of completing the Stage 2 extension of their complex, repayable over a term of ten (10 years) at \$12,000.00 per annum.

#### **Resolution**

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

CARRIED

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

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

#### **7.1.1. Purchase and Installation of Diving Blocks for Ayr Pool**

##### **Executive Summary**

Diving block no. 5 was damaged during preparatory works associated with the major Water Park project at the Ayr Pool. A replacement was sourced and installed.

Council has received advice from Swimming North Queensland and Swimming Queensland via the Burdekin Swimming Club that the replacement diving block would provide an advantage to swimmers and requesting that all the diving blocks also be replaced to eliminate any competitive advantage.

In addition, the major fundraiser for Burdekin Swimming Club is their annual swim meet in January 2023 and the inconsistency in diving blocks may jeopardise their chances of holding the event.

Staff were considering putting forward a capital budget bid for 2023-24 for replacement of the remaining diving blocks due to the circumstances and their condition.

A recommendation is put forward for replacement of the remaining diving blocks.

##### **Recommendation**

That Council:

1. Approve the purchase and installation of the remaining seven (7) diving blocks for the Ayr Pool noting their degraded condition and the benefits of having eight (8) diving blocks of the same type for competition needs;
2. Arrange for purchase and installation prior to the Burdekin Swimming Club meet in January 2023;
3. Agree to fund the works through depreciation and revise the 2022-23 budget accordingly; and
4. Confirm the action of Officers in placing the order for the remaining seven (7) diving blocks to avoid advised future price rises.

##### **Resolution**

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

CARRIED

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

*9.58am - Mr. Mulcahy left the meeting.*

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## 7.2. OPERATIONS

## 7.3. PLANNING AND DEVELOPMENT

### 7.3.1. MCU21/0014 - Development Application - Material Change of Use - General Industry (Ten Industrial Workshop Tenancies) at 17-23 Bird Street Ayr (Lot 40 on SP250553) - Rural Quip ( C/-) Milford Planning

#### Executive Summary

Council is in receipt of a development application lodged by Milford Planning on behalf of their client Rural Quip for a Material Change of Use for General Industry (Ten (10) Industrial Workshop Tenancies (Staged)) on land described as Lot 40 on SP250553 and located at 17-23 Bird Street, Ayr. The site is located within the existing Ayr Industrial Estate. The application was subject to a code level of assessment and is recommended for approval.

#### Recommendation

That Council approve the proposed Material Change of Use – General Industry (Ten (10) Industrial Workshop Tenancies (Staged)) on land described as Lot 40 on SP250553 and located at 17-23 Bird Street, Ayr, subject to reasonable and relevant conditions, as listed below:

Condition	Reason	Timing
<b>1. General and Administration</b> <u>Compliance with Conditions</u> 1.1 The Applicant is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Applicant. 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 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied as to any matter or conferring on Council a function, power or discretion that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council. 1.4 The proposed development must comply in full <u>with</u> all conditions of this approval, relevant Planning Scheme requirements and the relevant Council policies, guidelines and standards, as applying at the date of this approval, except as otherwise specified by any condition, to Council's satisfaction prior to the commencement of the use.		At all times.
<u>Works – Applicant's Expense</u> 1.5 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.		
<u>Infrastructure Conditions</u> 1.6 All development conditions contained in this development approval about infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.		



Condition	Reason	Timing
<b>Works – Applicants Responsibility</b>		
1.7 The Applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, it must be repaired immediately.		
<b>Works – Design and Standard</b>		
1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.		
<b>2. Approved Plans and Documents</b>		
<b>Approved Plans &amp; Documents – Required Changes</b>		
2.1 Submit to and have approved in writing by Council the following changes to the approved plans and documents:	The approved development must be completed and maintained generally in accordance with the approved drawings and documents.	i. Prior to lodgement of development application for Operational Work; and ii. At all times.
<p>(i) Staging Plan prepared by Milford Planning (source: FortisEM Plan 20133-C201 Rev D (dated 24/06/22)) to be amended to reflect the approved staging of the ultimate development, being:</p> <p>(a) Stage 1 – Four (4) 'General Industry' buildings/tenancies not exceeding a maximum 2,230m<sup>2</sup> in total combined gross floor area (GFA).</p> <p>(b) Stage 2 - Six (6) 'General Industry' buildings/tenancies not exceeding a maximum of 3,272m<sup>2</sup> in total combined GFA.</p> <p><b>Advisory Note:</b></p> <p><i>An upgrade to Councils external sewer infrastructure will be required before the commencement of construction of any 'General Industry' buildings/tenancies proposed as part of Stage 2 (as provided for the revised, approved plans). Specific requirements for these external works provided in Condition 8 of this approval.</i></p>		
Condition	Reason	Timing
2.2 Once approved, the amended plans and documents will become the approved plans and documents.		
2.3 The proposed development must be completed, comply with and maintained generally in accordance with the amended plans as per Conditions 2.1 and 2.2 as above and drawings/ documents identified in the Table below, except as otherwise specified and/or amended by any condition of this approval.		
2.4 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.		
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.		
2.6 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		

Condition	Reason	Timing
<b>Approved Plans</b>		
<b>Drawing Title</b>	<b>Drawing/Revision</b>	<b>Date</b>
Project Cover Sheet	Job No. 20133-C001 Rev D	24/06/22
Project Legend Sheet	Job No. 20133-C101 Rev D	24/06/22
Project Notes	Job No. 20133-C102 Rev D	24/06/22
Project Typical Section Details	Job No. 20133-C103 Rev D	24/06/22
Site Roadworks Plan – Sheet 1 and 2	Job No. 20133-C501 Rev D	24/06/22
Roadworks Joint Plan	Job No. 20133-C503 Rev D	24/06/22
19M Semi Vehicle Turn Paths	Job No. 20133-C551 Rev D	24/06/22
Linemarking Plan	Job No. 20133-C591 Rev D	24/06/22
Stormwater Layout Plan Sheets 1-3	Job No. 20133-C601 Rev D	24/06/22
Sewer & Water Layout Plan	Job No. 20133-C701 Rev D	24/06/22
Proposed Drainage Easement Location Plan (as prepared by Burdekin Shire Council)	Plan No. M-1217 Rev A	27/09/22
<b>Associated Reports</b>		
Development application (including response to Information Request) prepared by Milford Planning.		
Stormwater Quality Management Plan prepared by FortisEM		

Condition	Reason	Timing
<b>3. Outstanding charges</b>		
All rates and charges (including infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.		
<b>4. Development Stages</b>		
<p>4.1 Development is to be undertaken in a staged approach in accordance with the amended and approved plans, namely:</p> <p>a) Stage 1 – Four (4) 'General Industry' buildings/tenancies not exceeding a maximum 2,230m<sup>2</sup> in total combined gross floor area (GFA).</p> <p>b) Stage 2 - Six (6) 'General Industry' buildings/tenancies not exceeding a maximum of 3,272m<sup>2</sup> in total combined GFA.</p> <p>4.2 The stages as indicated on the approved plans are required to be undertaken in chronological order, unless undertaken at the same time.</p> <p>4.3 Unless otherwise expressly stated, the conditions must be read as being applicable to both stages.</p> <p>4.4 Stage 1 must be substantially commenced within two (2) years from the date of this decision notice, or the entire development permit is taken to have lapsed.</p>	The development must comply with all conditions of this this development permit.	At all times.
<b>5. Limitation of Approval</b>		
5.1 This approval is limited to 'General Industry' uses as defined by Schedule 1, Division 2 – Defined Uses and Use Classes of <i>Burdekin Shire IPA Planning Scheme</i> .	The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	At all times.
5.2 This development permit does not authorise any other use than that defined as 'General Industry' in the <i>Burdekin Shire IPA Planning Scheme</i> ,		

Condition	Reason	Timing
being the planning scheme in effect when the application was deemed properly made.		
<b>6. Water Supply</b>		
6.1 The development must connect to Council's reticulated water supply system.	To ensure that the premises is appropriately serviced by reticulated water supply infrastructure for general use and <u>fire-fighting</u> in accordance with relevant code/s and policy direction.	i. Prior to commencement of use and at all times.
6.2 A Development Permit for Operational Works for Engineering Work – Water Supply must be obtained before any works commence on site.		ii. Technical details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.
6.3 Submit for the approval of development assessment, engineering drawings for external water infrastructure, certified by a Registered Professional Engineer Queensland and in accordance with Council's requirements and all other relevant standards and policies.		
6.4 Design, construct and maintain all internal water reticulation infrastructure in accordance with the approved drawings, documents, relevant Council policies, guidelines and standards and the provisions of a development permit for Operational Works.		
6.5 Provide sufficient on-site storage for firefighting purposes adequate to service the needs of the ultimate development.		
6.6 Construct new 150.0mm diameter water main from the northern end of the 100.0mm diameter main fronting the proposed development to connect to the 150.0mm diameter main on the opposite side of Bird Street.		
<b>7. Sewerage Network</b>		
7.1 The development must connect to Council's reticulated sewerage network.	To ensure that the premises is appropriately serviced by reticulated sewerage infrastructure, in accordance with relevant code/s and policy direction.	i. Prior to commencement of use and at all times.
7.2 This approval permits the development of four (4) 'General Industry' buildings/tenancies not exceeding a maximum 2,230m <sup>2</sup> in total combined gross floor area only (being identified as Stage 1 on the revised plans), to		ii. Technical details required to be submitted to Council as part of an application for Operational Works,

Condition	Reason	Timing
connect to Council's existing reticulated sewerage network without requiring the upgrade to Council's external sewer infrastructure.		prior to the commencement of any works on site.
7.3 Submit for the approval of development assessment engineering drawings for external sewer infrastructure, certified by a Registered Professional Engineer Queensland and in accordance with Council's requirements and all other relevant standards and policies.		
7.4 Design, construct and maintain all sewerage works in accordance with the approved drawings, documents, relevant Council policies, guidelines and standards and the provisions of a development permit for Operational Works for Engineering Work – Sewerage Works.		
<b>8. Upgrade External Sewer Infrastructure</b>		
8.1 The following upgrade works to Council's external sewer infrastructure will be required prior to the commencement of construction of Stage 2 (six (6) 'General Industry' buildings/tenancies not exceeding a maximum of 3,272m <sup>2</sup> in total combined GFA), being:	To ensure that the operation of Council's sewerage network is not adversely impacted by the additional demand placed on it by the proposed development.	i. Prior to the commencement of construction of any 'General Industry' buildings/tenancies proposed as part of Stage 2 (as provided for the revised, approved plans).
i. Increase the capacity of the well storage of Council pump station number 28 to, at a minimum, accommodate an additional 2.2 kL, calculated as four hours of the ADWF of the Planned Demand for the development site under the LGIP or an approved alternative solution as approved by the Chief Executive Officer.		ii. Technical details are required to be submitted to Council as part of an application for Operational Works.
8.2 Proposed development must ensure stormwater runoff is directed away from the existing sewerage manholes on the site to eliminate chance of stormwater infiltration to the sewer system.		
8.3 The applicant is responsible for any modifications required to existing sewerage infrastructure, at no cost to Council.		
8.4 A Development Permit for Operational Works for Engineering Work – Sewage Infrastructure is to be obtained prior to any works commencing on site.		

Condition	Reason	Timing
8.5 Submit for the approval of development assessment, engineering drawings for external sewer infrastructure, certified by a Registered Professional Engineer Queensland and in accordance with Council's requirements and all other relevant standards and policies.		
8.6 Design, construct and maintain all sewerage works in accordance with the approved drawings, documents, relevant Council policies, guidelines and standards and the provisions of a development permit for Operational Works.		
<b>9. Stormwater Works</b>		
9.1 The Stormwater Layout Plan (Sheets 1 and 2) and the Stormwater Quality Management Plan, both prepared by FortisEM, provides for the ultimate development (Stages 1 and 2).	To ensure the premises appropriately manages and convey stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.	i. Prior to commencement of use and at all times.  ii. Technical details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.
9.2 Submit for the approval of development assessment engineering drawings for stormwater works, certified by a Registered Professional Engineer Queensland and in accordance with Council's requirements and all other relevant standards and policies.		
9.3 Design, construct and maintain all stormwater works in accordance with the approved drawings, documents, relevant Council policies, guidelines and standards and the provisions of a development permit for Operational Works.		
9.4 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.		
9.5 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		
9.6 A grated trench drain is to be installed at the property boundary to catch stormwater before crossing the footpath. The stormwater is to be		

Condition	Reason	Timing
conveyed to the kerb, under the footpath, in suitable sized conduits as approved by Council.		
9.7 Any stormwater discharged to Bird Street from any new paved/sealed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by Council.		
9.8 The legal point of discharge for any stormwater not discharged to Bird Street is the existing earth drain located on Lot 19 on SP279592, at a point approximately 130.0m from the northernmost corner of the allotment, aligned with the current property boundary.		
9.9 All stormwater conveyed to the legal point of discharge must be contained within the easement created and registered by the applicant in accordance with drawing M-1217-A as provided by Council.		
9.10 20% AEP stormwater flows must be conveyed via a piped flow to the legal point of discharge by RCP or RCBC (as designed by an RPEQ Engineer).		
9.11 The balance of stormwater flows between a 20% AEP to a 1% AEP flow may be conveyed to the legal point of discharge via an overland flow path (as designed by an RPEQ Engineer).		
9.12 The stormwater system must be designed to restrict surcharge into the development during a 1% AEP and 20% AEP stormwater event.		
9.13 The outlet of stormwater at the legal point of discharge is to be at a level not lower than the existing invert level of the drain.		
<b>10. Stormwater Drainage Easement</b>		
10.1 Applicant to create and register a stormwater drainage easement over the outlet pipe and associated infrastructure, proposed to burden existing Lot		

Condition	Reason	Timing
<p>19 on SP279592 (Council owned land) and utilised to discharge stormwater to the legal point of discharge for the proposed development located on Lot 40 on SP250553 (the benefitted lot).</p> <p>10.2 The easement shall be of an adequate width to contain and conduct maintenance of all stormwater drainage infrastructure required to convey the 20% AEP and 1% AEP flows from the proposed development.</p> <p>10.3 The easement must be located as per the alignment shown in drawing titled 'M-1217-A', as provided by Council.</p> <p>10.4 Council is to be provided access rights to the easement in perpetuity.</p> <p>10.5 The easement is to be prepared by the applicant with all costs involved including easement survey cost, and preparation and registration of the easement document to be borne by the applicant.</p> <p>10.6 On-going maintenance of the easement is to be the responsibility of the easement "grantee".</p> <p>10.7 The new stormwater outlet pipe and associated infrastructure is to be centrally located within the proposed stormwater drainage easement.</p> <p><b>Advisory Note:</b></p> <p><i>Documentation in relation to any Council owned land or where Council requires access rights may be referred to Council's solicitors for review to ensure Council's interests are appropriately protected, at the applicants/owner's expense.</i></p> <p><b>11. Stormwater Quality Treatment</b></p>	<p>To ensure the premises appropriately manages and convey stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.</p>	<p>i. Prior to commencement of use and at all times.</p> <p>ii. Technical details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.</p>
	<p>To manage and to minimise the risk of causing environmental harm to receiving</p>	<p>At all times.</p>

Condition	Reason	Timing
<p>11.1 The approved development must achieve the applicable stormwater management design objectives listed in Part G, Appendix 2 of the State Planning Policy, July 2017.</p> <p>11.2 Works to be undertaken generally in accordance with the Stormwater Layout Plan (Sheets 1 and 2) and the Stormwater Quality Management Plan, both prepared by FortisEM, except as otherwise specified by any other condition of this approval.</p>	<p>waters, damage to council infrastructure, and unnecessary financial burdens to council and the community in accordance with relevant code/s and policy direction.</p>	
<p><b>12. Road Works, Access and Car Parking</b></p> <p>12.1 A minimum of fifty six (56) car parking spaces and the inclusion of parking spaces for persons with a disability must be provided on site at the completion of both stages of the development.</p> <p>12.2 A minimum of ten (10) heavy vehicle parking spaces must be provided on site at the completion of both stages of the development.</p> <p>12.3 Parking space and layout must be designed in accordance with the provisions contained in the supporting material included in the plans submitted with the application by FortisEM, which provides for the ultimate development (Stages 1 and 2).</p> <p>12.4 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.</p> <p>12.5 Provide to Council prior to the commencement of works, a cross section 1:50 scale of all driveways, showing existing and design levels for the crossovers.</p> <p>12.6 Access to the premises, car parking and manoeuvring areas must be constructed in concrete in accordance with the provisions contained in the</p>	<p>To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.</p>	<p>i. Technical details are to be submitted to council as part of an application for Operational Work; and</p> <p>ii. Maintained for the life of the development.</p>

Condition	Reason	Timing
<p>supporting material included in the plans submitted with the application by <u>FortisEM</u>.</p> <p>12.7 Existing concrete driveway and crossover is to be demolished, removed, and reinstated with barrier kerb matching the existing kerb profile</p> <p>12.8 All pavement marking is to be in accordance with the Transport Operations (Road Use Management) Act 1995 (TORUM Act), and must be read alongside the Manual of Uniform and Traffic Control Devices (MUTCD).</p>		
<p><b>13. Traffic Impact Assessment</b></p> <p>13.1 A Traffic Impact Assessment must be submitted to and approved by Council prior to the issue of a Development permit for Operational Works.</p> <p>13.2 The Traffic Impact Assessment must address all activities/operation associated with the development including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) Review the existing road network to understand the current road connections and conditions.</li> <li>b) Estimate the traffic generation of the site based on the proposed land uses and activities.</li> <li>c) Estimate the traffic distribution onto the surrounding road network</li> <li>d) Provide engineering advice on access arrangements into the site and geometric requirements including upgrade requirements (if any) to adjacent roads and intersections.</li> <li>e) Analysis of the impact of the development on the road network for the year of opening and the design horizon.</li> </ul> <p>13.3 Once endorsed by Council, implement the requirements and recommendations of the assessments.</p>	<p>To ensure the development reasonably avoids, minimises or manages any traffic impact.</p>	<ul style="list-style-type: none"> <li>i. Technical details are to be submitted to council prior to an application for Operational Work; and</li> <li>ii. Maintained for the life of the development.</li> </ul>

Condition	Reason	Timing
<p>13.4 The approved amended plan/s and planning report will form part of the approval.</p>		
<p><b>14. Construction Traffic Management Plan</b></p> <p>14.1 A Construction Traffic Management Plan (The Plan) prepared by a suitably qualified traffic professional must be submitted to, and endorsed by the Chief Executive Officer prior to the issue of a Development permit for Operational Works.</p> <p>14.2 The Plan must address all activities/operation associated with construction including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) Hours of construction.</li> <li>b) Parking of vehicles (including on site employees and delivery vehicles)</li> <li>c) Vehicle access during construction hours</li> <li>d) Traffic management practices (including during loading and unloading) prepared in accordance with the Manual for uniform traffic Control Devices</li> <li>e) Location and details of signage including any signage that is to be illuminated.</li> </ul> <p>14.3 The endorsed Plan must be complied with, and a copy kept on site at all times during construction of the development.</p>	<p>To ensure any impacts associated with traffic related to development are addressed and effectively mitigated and to maintain the safety of all road users.</p>	<ul style="list-style-type: none"> <li>i. Technical details are to be submitted to council as part of an application for Operational Work.</li> </ul>
<p><b>15. Build over sewer</b></p> <p>15.1 The developer is advised that the proposed building structures are over/adjacent to an existing sewer main.</p> <p>15.2 In accordance with QDC MP1.4, the applicant will be required to make an application to Council for consent under Council's "Erection of Structures Over or Adjacent to Sewers or Water Mains Policy".</p>	<p>To ensure development is appropriately constructed in accordance with relevant code/s and policy direction.</p>	<p>Technical details are to be submitted to council as part of an application for Operational Work.</p>

Condition	Reason	Timing
<b>16. Landscaping</b>  16.1 A minimum 3.0m wide landscaping strip is to be provided along the entire Bird Street frontage of the site, excepting access.  16.2 Landscaping and irrigation must be undertaken and constructed to the relevant standards in accordance with council's specification.  16.3 Appropriate signage is to be erected to direct visiting vehicles to visitor car parking spaces within the development site.	To enhance the appearance of the development in accordance with Council's relevant code/s and policy direction.	i. Technical details must be submitted to council as part of an application for Operational Work.  ii. The landscaping must be provided in accordance with any approval issued and be maintained for the life of the development.
<b>17. Notice of Intention to Commence the Use</b>  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.
<b>18. Building Materials</b>  The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.	To ensure protection of matters of public safety and amenity in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the development.
<b>19. Property Numbering</b>  Legible property numbers must be erected at the premises and must be maintained.  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.	To allow the general public, service and emergency service providers to effectively identify the property.	Prior to the commencement of the use and maintained for the life of the development.
<b>20. Relocation of Services or facilities</b>		

Condition	Reason	Timing
Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council.	To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.	Prior to the development achieving on maintenance or commencement of use.
<b>21. Storage</b>  21.1 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.  21.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.  21.3 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.
<b>22. Screening of Plant and Utilities</b>  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.	Prior to the commencement of the use and maintained for the life of the development.
<b>23. Soil Erosion Minimisation, Sediment Control</b>  Erosion and sediment control management including site specific stormwater treatment devices must be installed and maintained to the satisfaction of the Chief Executive Officer.	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.

Condition	Reason	Timing
<b>24. Dust Management</b> A dust management plan must be prepared and submitted to council for approval.	To mitigate potential adverse impacts of dust hazards.	Technical details are to be submitted to council as part of an application for Operational Work.
<b>25. Noise</b> 25.1 Noise from the use is to be operated in a way that protects the values of the acoustic environment. 25.2 Noise from the development is to comply with the provisions of the <i>Environmental Protection Act 1994, Environmental Protection (Noise) Policy 2019, Environmental Protection Regulation 2019</i> and Australian Standard AS 1055 Acoustics, in particular: (i) Sound from the premises and/or activity on site is not to be audible at a sensitive receptor. (ii) Noise and sound from premises and activities are to be managed to ensure any adverse effects on environmental values including health and wellbeing and sensitive are prevented or minimised.	To ensure that the use does not cause a noise nuisance in accordance with the <i>Queensland Environmental Protection Act 1994 Section 440</i> .	During the operation and life of the development.
<b>26. Environmental Health</b> 26.1 No release of contaminants, including, but not limited to dust, fumes, odour or aerosols or emission of noise is to cause or be likely to cause an environmental nuisance beyond the boundaries of the premises to which this development permit relates.	To manage and to minimise the risk of causing environmental harm and to ensure that if a spill occurs there are adequate control measures in place.	i. Technical details are to be submitted to council as part of an application for Operational Work; and ii. Maintained for the life of the development.

Condition	Reason	Timing
26.2 All spillage of waste, oils, chemicals or similar materials shall be cleaned up as soon as practical. Such spillage shall not be cleaned up by hosing, sweeping or otherwise releasing such wastes or contaminants to the land, stormwater or any roadside gutter. 26.3 A spill kit must be maintained on site for use on spillages of any materials stored on site and be readily accessible at all times. 26.4 Oils, fuels, other liquids must be stored in a bunded area undercover or other location whereby any spillage will not discharge to the ground or any area subject to stormwater or stormwater runoff. Any bunding provided shall be constructed and sized in accordance with AS 1940- The storage and handling of flammable and combustible liquids. 26.5 Fuel loading must only be conducted on a dedicated fuel loading area that is graded and drained to a collection sump suitable for the collection of fuel spillage. 26.6 All solid wastes or other materials likely to produce contaminants shall be stored in bins with lids in place to prevent the ingress of stormwater. 26.7 All washdown waters from the washing of vehicles, trailers, plant or equipment must be contained and collected and disposed of to an approved facility or discharged to sewer in accordance with Council's Trade Waste Policy. Washdown waters must not be discharged to stormwater or on land subject to stormwater runoff. 26.8 There shall be no release of litter or contaminants from the site to any roadside, drain or waters. 26.9 No hazardous or liquid waste shall be disposed of via the general waste containers. Special treatment or disposal methods must be identified		



Condition	Reason	Timing
<p>where such waste is to be generated. Special approvals may be required for particular wastes.</p> <p>26.10 No incineration or open burning shall be carried out on site.</p>		
<p><b>27. Refuse Facilities</b></p> <p>Refuse collection arrangements 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"> <li>a) The approved waste storage area is to be of sufficient size to house all garbage bins including recycling bins.</li> <li>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.</li> <li>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.</li> <li>d) All waste is to be disposed of in accordance with the Environmental Protection Regulation 2019 and council's waste management policy.</li> </ul>	<p>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>	<ul style="list-style-type: none"> <li>i. Details for the refuse facilities are to be submitted to council as part of an application for Operational Work.</li> <li>ii. To be in place prior to commencement of the use; and</li> <li>iii. to be maintained for the life of the development.</li> </ul>
<p><b>28. Outdoor Lighting</b></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</p>	<p>Prior to commencement of the use and to be maintained for the life of the development.</p>

Condition	Reason	Timing
	Queensland Environmental Protection Act 1994 Section 440.	
<p><b>29. Signage</b></p> <p>29.1 Any signage to be associated with the use must be designed to satisfaction of Council.</p> <p>29.2 To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by council.</p>	<p>To maintain amenity for the adjoining properties.</p>	<p>Prior to the commencement of the use.</p>

Advice	
<p><b>1. Infrastructure Charges</b></p> <p>An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.</p>	
<p><b>2. General</b></p> <p>Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.</p>	
<p><b>3. Sewerage/Trade Waste</b></p> <p>3.1 Any proposed use of the site requiring the discharge of trade waste to Council's sewerage system will require an approval under Section 180 of the <i>Water Supply (Safety and Reliability) Act 2008</i>.</p> <p>3.2 Council may give an approval only if it is satisfied—</p> <ul style="list-style-type: none"> <li>a. having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the sewerage or the health and safety of anyone working on the sewerage; and</li> <li>b. the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.</li> </ul>	

<p>3.3 Trade waste is defined in Schedule 3 of the Act as water-borne waste from business, trade or manufacturing premises, other than—</p> <ol style="list-style-type: none"> <li>waste that is a prohibited substance; or</li> <li>human waste; or</li> <li>stormwater.</li> </ol> <p>3.4 Any proposed connection to Council sewerage infrastructure is to be carried out by the Council at the applicant's full cost.</p> <p>3.5 Approval is required to erect structures over/adjacent to Council sewer.</p>	
<p><b>4. Water Supply</b></p> <p>4.1 In accordance with the water and sewer impact assessment completed by Noble Consulting Engineers, the proposed development demand for potable water from Council's water supply network is estimated at 57.7 EP with an average day demand of 0.399 L/s and a peak hour demand of 3.515 L/s.</p> <p>4.2 Section 41 of the <i>Water Supply (Safety and Reliability) Act 2008</i> allows Council to impose restrictions on a customer should it consider:</p> <ol style="list-style-type: none"> <li>there is an urgent need for the service provider water restriction; or</li> <li>the available water supply has fallen to a level at which unrestricted use of the water is not in the public interest.</li> </ol> <p>4.3 Should the water supply demand at any time in the future exceed the proposed demand, Council may impose restrictions on the supply of water to the property. If the applicant or any future owners of the subject site or part of the site require additional capacity in Council water supply, they may apply to Council to upgrade the network at the applicant's full cost.</p> <p>4.4 Any proposed connection to Council water supply infrastructure is to be carried out by the Council at the applicant's full cost.</p> <p>4.5 In accordance with the requirements of the <i>Queensland Plumbing and Wastewater Code 2019</i>, sub-meters are required to be installed to each tenancy and the common area.</p>	
<p><b>5. Uses other than General Industry</b></p>	

<p>Any other uses proposed on this lot that are not defined as 'General Industry' and/or separately defined in <i>Council's Burdekin Shire IPA Planning Scheme</i> will require a separate development application and permit as per the Planning Scheme requirements.</p>	
<p><b>6. Further Approvals Required</b></p> <p><b>a) Operational Work</b></p> <p>An Operational Work application associated with the following conditions must be submitted to Council for approval prior to the commencement of construction works and/or issue of a Development Permit for Operational Works and/or Building Works, unless otherwise approved by Council.</p> <p>Condition 6 – Water Supply</p> <p>Condition 7 – Sewerage Network</p> <p>Condition 8 – Upgrade External Sewer Infrastructure (as required for Stage 2)</p> <p>Condition 9 - Stormwater Works</p> <p>Condition 10 - Stormwater Drainage Easement</p> <p>Condition 11 – Stormwater Quality Treatment</p> <p>Condition 12 – Road Works, Access and Car Parking</p> <p>Condition 13 – Traffic Impact Assessment</p> <p>Condition 14 – Construction Traffic Management Plan</p> <p>Condition 15 – Build over sewer</p> <p>Condition 16 - Landscaping</p> <p>Condition 24 - Dust Management</p> <p>Condition 26 – Environmental Health</p>	

<p>Condition 27 - Refuse 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><b>b) Plumbing and Drainage Works.</b></p> <p>A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.</p> <p><b>c) Building Works</b></p> <p>A Development Permit for Building Works to carry out building works prior to works commencing on site.</p> <p><b>d) Road Works Permit</b></p> <p>A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.</p>	
<p><b>7. Further Inspections Required</b></p> <p><b>Compliance with Conditions</b></p> <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>Condition 2 – Approved Plans and Documents – Required Changes</p> <p>Condition 18 - Building Materials</p> <p>Condition 19 - Property Numbering</p> <p>Condition 20 - Relocation of Services or facilities</p> <p>Condition 22 - Screening of Plant and Utilities</p> <p>Condition 23 - Soil Erosion Minimisation, Sediment Control</p>	
<b>8. Community Titles Schemes</b>	

<p>A future development application for reconfiguring a lot will be required to establish a Community Title Scheme with any Community Management Statement submitted to Council for endorsement to be consistent with any lawful requirement of, or development approval granted by, Council.</p>	
<p><b>9. Storage of Materials and Machinery</b></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><b>10. Building Work Noise</b></p> <p>The hours of audible noise associated with construction and building work on site must be limited to between the hours of:</p> <ul style="list-style-type: none"> <li>6.30 a.m. to 6.30 p.m. Monday to Saturday; with</li> <li>No work on Sundays or Public Holidays.</li> </ul>	To ensure compliance with the Environmental Protection Act 1994.
<p><b>11. Dust Management</b></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><b>12. Building Over/Adjacent to Services</b></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><b>13. Waste Management</b></p> <p>All regulated waste must be removed from the site by a regulated waste removal contractor.</p> <p>The records for this disposal must be kept on site and be available for viewing by an authorised officer.</p>	
<p><b>14. Easement and Legal Documents</b></p> <p>Documentation in relation to any Council owned land or where Council requires access rights may be referred to Council's solicitors for review to ensure Council's interests are appropriately protected, at the applicants/owner's expense.</p>	

## Resolution

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

CARRIED

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### **7.3.2. Reconfiguring a Lot - One (1) Lot into Two (2) Lots 20 Fowler Road, Osborne (Lot 220 on SB108)**

*10.18am Councillor McLaughlin left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 7.3.2 Reconfiguring a Lot - One (1) into Two (2) Lots 20 Fowler Road, Osborne (Lot 220 on SB108) as she is a close personal friend and had previously engaged the services of Lucy Poppi who with David Fowler is an applicant for planning approval to reconfigure the land in question.*

*Councillor Perry assumed the chair.*

### **Executive Summary**

Council is in receipt of a development application lodged by Lucy Jane Poppi and David Mark Fowler for a reconfiguration of a lot (subdividing 1 lot into 2 lots) on land described as Lot 220 on SB108 and located at 20 Fowler Road, Osborne.

The subject land is located within the Rural Zone of the Burdekin Shire Council's IPA Planning Scheme (the current Planning Scheme), with Lot 220 currently having a total area of 49.226ha and containing an existing sugar cane farm, residential dwelling, shed and barracks.

The applicant is proposing to create one lot approximately 48.1ha in area for the sugar cane farming activity with the second lot to be 8,197m<sup>2</sup> in area in which the residential dwelling, shed and barracks will be retained, with the existing access from Fowler Road to be retained.

The application is recommended for approval.

### **Recommendation**

That Council approve the proposed reconfiguration of a lot (1 lot into 2 lots) on land described as Lot 220 on SB108 and located at 20 Fowler Road, Osborne, subject to reasonable and relevant conditions as set out below.

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Condition	Reason	Timing
<b>1. General and Administration</b> <u>Compliance with Conditions</u> 1.1 The Applicant is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, <u>contractor</u> or invitee of the Applicant. 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 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied as to any matter or conferring on Council a function, power or discretion that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council. 1.4 The proposed development must comply in full <u>with</u> all conditions of this approval, relevant Planning Scheme requirements and the relevant policies, guidelines and standards, as applying at the date of this approval, except as otherwise specified by any condition, to Council's satisfaction prior to the commencement of the use. 1.5 All civil works associated with this development permit must be constructed by a suitably qualified/ licenced contractor and delivered as per the accepted design plans, as per Council specifications and requirements. 1.6 Council's assessment of the design has been an audit only. In the issuing of this permit Council makes no acknowledgement that the design meets the above requirements. 1.7 It is a condition of this permit that any errors in the design are the responsibility of the consulting engineer, and that any rectification costs which may be applicable are to be borne by the developer. Council bears no responsibility for any errors associated with the design or any costs arising therefrom. <u>Works – Applicant's Expense</u>	The development must comply with all planning scheme requirements as approved and conditioned by this development permit.	During the operation and life of the development.

Condition	Reason	Timing
1.8 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition. <u>Infrastructure Conditions</u> 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated. <u>Works – Applicants Responsibility</u> 1.10 The Applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, it must be repaired immediately. <u>Works – Design and Standard</u> 1.11 Unless otherwise stated, all works must be designed, <u>constructed</u> and maintained in accordance with the relevant Council policies, guidelines and standards.		

Condition	Reason	Timing						
<b>2. Approved Plans and Supporting Documents</b>								
<table border="1"> <tr> <th>Drawing Title</th><th>Drawing/Revision</th><th>Date</th></tr> <tr> <td>Proposed Reconfiguration of Lots 1 &amp; 2, cancelling Lot 220 on SB108</td><td>P22-132a.dwg</td><td>04/05/2002</td></tr> </table> <b>Associated Reports</b> Development application prepared by the applicant and Atkinson & <u>Booy</u> Surveyors, August 2022	Drawing Title	Drawing/Revision	Date	Proposed Reconfiguration of Lots 1 & 2, cancelling Lot 220 on SB108	P22-132a.dwg	04/05/2002		
Drawing Title	Drawing/Revision	Date						
Proposed Reconfiguration of Lots 1 & 2, cancelling Lot 220 on SB108	P22-132a.dwg	04/05/2002						
2.1 The proposed development must be completed, comply <u>with</u> and maintained generally in accordance with the drawings/ documents identified in the above, except as otherwise specified and/or amended by any condition of this approval. 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. 2.3 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. 2.4 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.	The development must comply with all planning scheme requirements as approved and conditioned by this development permit.	At all times.						
<b>3. Payment of Rates, Charges and Expenses</b> 3.1 Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.	Confirmation to be provided to Council prior to the release of the Plan of Survey.							

Condition	Reason	Timing
3.2 Pay the sum calculated at the current charge per lot to be levied on the Council by the Department of Natural Resources, Mines and Energy, for each new valuation.		
<b>4. Confirmation of Existing Services</b> The existing services for each lot must be contained within the individual allotments.	To ensure the development is appropriately serviced by in accordance with relevant code/s and policy direction.	Confirmation to be provided to Council prior to the release of the Plan of Survey.
<b>5. Relocation/alteration of Public Utilities</b> The developer must at its own cost undertake all necessary alterations to public utility mains and services as rendered necessary by the carrying out of any required external works or other works associated with the approved development to the satisfaction of Council, and at no cost to Council.	To ensure development is appropriately serviced by public services and/or facilities in accordance with relevant code/s and policy direction.	Prior to the release of the Plan of Survey.
<b>6. Roadworks</b> The construction of any crossovers to give access to the land is to be the owner's responsibility and at no cost to Council, to the satisfaction of the Chief Executive Officer.	To provide appropriate access in accordance with relevant code/s and policy direction.	Prior to the issuing of a Development Permit for Building Works.
<b>7. Drainage/Stormwater</b> The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.	To convey stormwater across other lands legally and in an environmentally responsible manner	At all times.

Condition	Reason	Timing
	in accordance with relevant code/s and policy direction.	
<b>Advice</b>		
<b>1. Infrastructure Charges</b> An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.		
<b>2. Acid Sulfate Soils</b> Should the presence of acid sulfate soils or potential acid sulfate soils be detected, an Acid Sulfate Soils Management Plan may be required to be prepared and submitted to Council for approval. 		
<b>3. Compliance with Conditions</b> Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.		
<b>4. Future Development</b> 4.1 Any future on-site sewerage treatment and disposal on the proposed lots must be in accordance with the On-Site Sewerage Code and AS/NZS 1547:2000. 4.2 Any development application for building works which includes habitable rooms may have to include a 1% AEP Flood Certificate. N.B. this applies in Localised and River Flood areas as identified in Burdekin Shire Councils mapping.		

## Resolution

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

CARRIED

*10.27am - Mrs. Galletta left the meeting.*

*10.28am - Meeting adjourned for Morning Tea.*

*10.52am - Meeting recommenced and Councillor McLaughlin resumed the chair.*

## 7.4. TECHNICAL SERVICES

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**8. NOTICE OF MOTION**

**9. RECEIPT OF PETITIONS**

**10. CORRESPONDENCE FOR INFORMATION**

**11. GENERAL BUSINESS**

**11.1. Building Better Regions Fund (BBRF)**

Mr. Brennan advised that Council had received advice from the Federal Government that it is implementing changes to regional grant programs and that it will not be proceeding with Round 6 of the Building Better Regions Fund (BBRF). The Council had applied for funding under this round of the BBRF for the Ayr Industrial Estate Expansion Project. A report will be provided to a future meeting for options going forward for the project.

**12. CLOSED BUSINESS ITEMS**

**13. DELEGATION**

There being no further business the meeting closed at 11.35am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 8 November 2022.**

**MAYOR**

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