



# Burdekin Shire Council

## **AGENDA**

### **ORDINARY COUNCIL MEETING**

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

**on 14 March 2023**

**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 Minutes - 28 February 2023**

##### **4.2. Burdekin Shire Road Safety Advisory Meeting Minutes - 15 February 2023**

#### **5. EXECUTIVE**

##### **5.1. CEO**

###### **5.1.1. Council Workshops - February 2023**

##### **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. Transfer of Freehold Lease - Mr. Graham Henry Andersen to Mr. Stephen John McGuire and Mrs. Beth McGuire – Part of Lot 106 on Registered Plan 898777 - Ayr Aerodrome**

###### **6.4.2. Fraud and Corruption Control Policy**

###### **6.4.3. Entertainment and Hospitality Policy**

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

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

##### **7.2. OPERATIONS**

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

###### **7.3.1. Material Change of Use – Service Station and Shop located at 39-49 Eighth Avenue, Home Hill (Lots 5-7 on H61610)**

##### **7.4. TECHNICAL SERVICES**

###### **7.4.1. Permanent Road Closure - Alva Beach Caravan Park - Alva Beach**

#### **8. NOTICE OF MOTION**

#### **9. RECEIPT OF PETITIONS**

#### **10. CORRESPONDENCE FOR INFORMATION**

#### **11. GENERAL BUSINESS**

#### **12. CLOSED BUSINESS ITEMS**

#### **13. DELEGATION**

##### **13.1. Presentation - Annual Donation to the Burdekin Combined Chaplaincy Committee.**

#### **4.1. MINUTES AND BUSINESS ARISING**

##### **Ordinary Council Minutes - 28 February 2023**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 28 February 2023 be received as a true and correct record.

##### **Attachments**

1. Ordinary Council Meeting Minutes - 28 February 2023



**Burdekin Shire Council**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 28 February 2023**

**COMMENCING AT 9:03 AM**



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## **ORDER OF BUSINESS:**

### **1. ATTENDANCE**

Councillor Lyn McLaughlin, Councillor Sue Perry, Councillor Kaylee Boccalatte, 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. T. Blackwell - Manager Community Services (Part)

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

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

Mrs. K. Olsen - Manager Financial and Administrative Services (Part)

Mrs. S. Smith - Community Engagement & Capacity Building Officer (Part)

Apologies - Councillor John Bonanno

Minutes Clerk - Ms. G. Biffanti

### **2. PRAYER**

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

### **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 7.1.1 Awarding of Tenders - TBSC/23/001 and TBSC/23/002 - Kirknie Landfill Leachate Hydraulics and Electrical Infrastructure Works as she and her husband are close family friends to the proprietor of Laser Electrical, Richard Bonato. Laser Electrical has submitted a tender to complete work prescribed in Item 7.1.1. Councillor McLaughlin advised of her intention to leave the meeting prior to this discussion.

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

#### **4.1. Ordinary Council Meeting Minutes - 14 February 2023**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 14 February 2023 be received as a true and correct record.

##### **Resolution**

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

CARRIED

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## **4.2. Local Disaster Management Group Meeting Minutes - 25 November 2022**

### **Recommendation**

That the minutes of the Local Disaster Management Group Meeting held on 25 November 2022 be received as a true and correct record.

### **Resolution**

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

CARRIED

*9.13am - Mr. Blackwell and Mrs. Smith entered the meeting.*

## **4.3. Audit Committee Meeting Minutes - 8 February 2023**

### **Recommendation**

#### Item 3 Minutes from the previous Audit Committee Meeting

That the minutes from the previous meeting held on 7 September 2022 be formally adopted by the Committee.

#### Item 4.2 Consider need for closed briefing session with Crowe Horwath/QAO

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

#### Item 5.1 Confirmation of Internal Audit Charter

That the Committee accepts the Internal Audit Charter and amendments.

#### Item 5.2 Internal Audit Report – Customer Request Management

That the Committee accept the Customer Request Management internal audit report and associated agreed management action items.

#### Items 6.1 and 6.2 Risk Management Committee minutes held on 30 November 2022 and 2 February 2023

That the Committee note the Risk Management Committee Meeting minutes from 30 November 2022 and 2 February 2023.

#### Item 6.3 BCP Testing Strategy and Schedule and BCP outstanding action items – Internal Audit

That the Committee accept the BCP Testing Strategy and Schedule and Agreed Management Action Items from the BCP Internal Audit with the amendment to the completion dates.

#### Item 6.4 Outcome of Internal Audit Performance Review

That the Committee accepts the results of the Internal Audit Annual performance Evaluation 2022.

#### Item 7.1 Results of Self-Assessment – Audit Committee Performance

That the Committee note the results of the Self-Assessment of Audit Committee Performance.

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Item 7.2 Review/Confirm Audit Committee Charter

That the Committee agreed to table the Audit Committee Charter until amendments can be made to the Risk Management section. Mrs. Stockdale will amend the document and distribute to the Committee for feedback.

Item 8.1 Adoption of Schedule Dates and Agenda Items 2023

That the 2023 Audit Committee Schedule Dates and Agenda Items be formally adopted by the Committee, subject to any changes necessitated for Risk Management.

That:

1. the minutes of the Audit Committee meeting held on 8 February 2023 be noted; and
2. the recommendations as detailed in the minutes and summarised in Items 3 to 8.1 above be adopted.

**Resolution**

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

CARRIED

**4.4. Community and Cultural Development Advisory Group Meeting Minutes - 9 February 2023**

**Recommendation**

No recommendations to report.

That:

1. the minutes of the Community and Cultural Development Advisory Group Meeting held on 9 February 2023 be noted.

**Resolution**

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

CARRIED

**4.5. Local Disaster Management Group Meeting Minutes - 10 February 2023**

**Recommendation**

That the minutes of the Local Disaster Management Group Meeting held on 10 February 2023 be received as a true and correct record.

**Resolution**

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

CARRIED

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## **5. EXECUTIVE**

### **5.1. CEO**

#### **5.1.1. Council Workshop - January 2023**

##### **Executive Summary**

In line with meeting arrangements over the December/January period each year, the Council conducted one(1) general workshop during January with a workshop held on 24 January 2023.

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

##### **Recommendation**

That the report on the Council workshop held on 24 January 2023 be received and noted.

##### **Resolution**

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

CARRIED

### **5.2. ECONOMIC DEVELOPMENT**

## **6. CORPORATE AND COMMUNITY SERVICES**

### **6.1. CLIENT SERVICES**

### **6.2. COMMUNITY DEVELOPMENT**

#### **6.2.1. Community Connect - Alva Community Action Plan**

##### **Executive Summary**

The purpose of this report is to seek Council consideration and adoption of the Community Connect - Alva Community Action Plan.

The Draft Plan has been developed following a sustained period of Community and key Stakeholder engagement and represents a true reflection of community aspiration within a broader well-being and community development context.

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## **Recommendation**

That Council adopt the Community Connect - Alva Community Action Plan as attached to help guide future operational planning, advocacy efforts and budget considerations.

## **Resolution**

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

CARRIED

*9.23am - Mr. Wellwood left the meeting.*

*9.26am - Mr. Wellwood returned to the meeting.*

*9.29am - Mr. Blackwell and Mrs. Smith left the meeting.*

## **6.3. FINANCIAL AND ADMINISTRATIVE SERVICES**

### **6.3.1. Monthly Financial Report - January 2023**

#### **Recommendation**

That the Monthly Financial Report for Period Ending 31 January 2023 be received.

#### **Resolution**

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

CARRIED

*9.49am - Mrs. Olsen left the meeting.*

## **6.4. GOVERNANCE**

### **6.4.1. Burdekin Shire Council Standing Orders and Meeting Procedures**

#### **Executive Summary**

The *Local Government Act 2009* and *Local Government Regulation 2012* prescribe that Council must adopt Meeting Procedures and Standing Orders . Recently, the Department of State Development, Infrastructure, Local Government and Planning reviewed the model meeting procedures and standing orders documents. Previous amendments made to the model meeting procedures and standing orders relating to COVID-19 safety provisions for conducting council meetings remotely are no longer a legislative requirement, and have therefore now been removed. This does not affect the provisions for Councillors to attend a meeting by audio or audio-visual link as provided in section 254K of the *Local Government*

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*Regulation 2012.* Section 29 of the Standing Orders requires that Councillors obtain permission from the Mayor or Chairperson of the meeting at least three (3) business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. Council's Meeting Procedures and Standing Orders have been updated to reflect the changes supplied by the Department.

### **Recommendation**

That Council adopts the Burdekin Shire Council Meeting Procedures and Burdekin Shire Council Standing Orders as attached to this report.

### **Resolution**

Moved Councillor Perry, seconded Councillor Furnell that the recommendation be adopted noting the amendment to the Consultation Section of the report.

- Councillors discussed at a Council workshop meeting the model meeting procedure document and standing order documents provided by the Department of State Development, Infrastructure, Local Government and Planning.

CARRIED

## **6.4.2. Operational Plan 2022/2023 Q2 Report**

### **Executive Summary**

In accordance with legislative reporting requirements, a quarterly report on the implementation of the adopted Operational Plan 2022/2023 has been prepared for Council. The report reflects the progress towards achieving the operational objectives of Council for the 2022/2023 financial year. This year's Operational Plan was developed to provide closer alignment with Council's Corporate Plan Objectives and Key Actions.

At the end of the Q2 period 89% of operational plan activities are considered to be at or above the agreed targets. This is an increase from 81% at the end of the Q1 period. Adverse weather conditions, delays to material supplies and some staff shortages have led to some of the key operational plan activities not reaching the desired targets this reporting period. The attached report includes "at a glance" graphs and traffic light tables to provide an easy-to-read snap shot of Council's second quarter activities. Further comments have also been provided relating to each of the 168 agreed operational plan activities.

### **Recommendation**

That Council adopts the Operational Plan 2022/2023 Q2 Report as attached to this report.

### **Resolution**

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

CARRIED

*9.53am - Mr. Mulcahy entered the meeting.*

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

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

#### **7.1.1. Awarding of Tenders - TBSC/23/001 and TBSC/23/002 - Kirknie Landfill Leachate Hydraulics and Electrical Infrastructure Works**

*10.07am Councillor McLaughlin left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 7.1.1 Awarding of Tenders - TBSC/23/001 and TBSC/23/002 - Kirknie Landfill Leachate Hydraulics and Electrical Infrastructure Works as she and her husband are close family friends to the proprietor of Laser Electrical, Richard Bonato. Laser Electrical has submitted a tender to complete work prescribed in Item 7.1.1.*

*Councillor Perry assumed the chair.*

#### **Executive Summary**

Council originally decided in 2021-22 to include a capital project to design and then construct an improved leachate control solution for the Kirknie Landfill. Following finalisation of the design, tenders were called for the associated hydraulic and electrical infrastructure works. Tenders closed on 6 February 2023 and a recommendation is provided below for their acceptance.

#### **Recommendation**

That:

1. tenders received for TBSC/23/001 – Kirknie Landfill Leachate Infrastructure Works (Hydraulics), Council accepts the tender of Roebuck Civil.
2. tenders received for TBSC/23/002 – Kirknie Landfill Leachate Electrical Upgrade, Council accepts Burdekin Air Conditioning and Electrical as the preferred tenderer; and agrees to liaise with them on the proposed scope changes in their non-conforming tender; and request a revised price for the accepted non-conformances.

#### **Resolution**

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

CARRIED

*10.15am - Mrs. Galletta entered the meeting.*

*10.15am - Mr. Mulcahy left the meeting.*

*10.16am - Councillor McLaughlin re-entered the meeting and resumed the chair.*

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## 7.2. OPERATIONS

## 7.3. PLANNING AND DEVELOPMENT

### 7.3.1. Adoption of New Planning and Development Fees Associated with the Commencement of the Burdekin Shire Planning Scheme 2022

#### Executive Summary

The new planning scheme 'Burdekin Shire Council Planning Scheme 2022' commences on the 1 March 2023 and requires an amended fee schedule to align with and reflect the new scheme.

The revised 2022/2023 Fees and Charges schedule is required to be adopted by Council to be effective from 1 March 2022.

#### Recommendation

That in accordance with the *Local Government Act 2009*, Council adopt the fee schedule, as listed below, effective from 1 March 2023.

## TOWN PLANNING ASSESSABLE DEVELOPMENT

### Reconfiguring a Lot Development Application Fees

Preliminary Approval	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Preliminary Approval inc. Variation Request	R	Planning Act 2016 Planning Regulation 2017			POA
Reconfiguring a lot - per lot (including boundary re-alignments)	R	Planning Act 2016 Planning Regulation 2017		\$460/lot (min. fee \$920.00)	
Lease exceeding 10 years - per lot	R	Planning Act 2016 Planning Regulation 2017		\$460/lot (min. fee \$920.00)	
Access easement not associated with a plan of subdivision	R	Planning Act 2016 Planning Regulation 2017	\$460.00	\$0.00	\$460.00
Where a reconfiguration application triggers impact assessment - Minimum Fee (in addition to per lot fee)	R	Planning Act 2016 Planning Regulation 2017	\$1,711.00	\$0.00	\$1,711.00
Endorsement of survey plan, building format plan, community management statement, or easement document	R	Planning Act 2016 Planning Regulation 2017	\$250.00	\$0.00	\$250.00
Re-signing of survey plan, building format plan, community management statement of easement document	R	Planning Act 2016 Planning Regulation 2017	\$110.00	\$0.00	\$110.00
Valuation maintenance fee per lot including balance allotments (*fee subject to change as determined by the State)	R	Planning Act 2016 Planning Regulation 2017			\$41.00/lot*



Name	Commercial or Regulatory Fee	Legislation	Year 22/23		
			Fee (excl. GST)	GST	Fee (incl. GST)

## MATERIAL CHANGE OF USE DEVELOPMENT APPLICATION FEES

### Preliminary Approval

Preliminary Approval - All Use Types	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Preliminary Approval inc. Variation Request - All Use Types	R	Planning Act 2016 Planning Regulation 2017			POA

### Accommodation Type Use

Caretakers Accommodation, Community Residence Dual Occupancy, Dwelling House (triggering assessment against the Planning Scheme), Dwelling Unit, Multiple Dwelling, Non-Resident Workforce Accommodation, Relocatable Home Park, Residential Care Facility, Retirement Facility, Rooming Accommodation, Rural Worker's Accommodation, Short-Term Accommodation, Tourist Park.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Resort Complex	R	Planning Act 2016 Planning Regulation 2017			POA
Nature Based Tourism	R	Planning Act 2016 Planning Regulation 2017			POA

### Business Type Use

Home Based Business, Funeral Parlour, Parking Station, Office, Roadside Stall, Service Station, Shop, Shopping Centre, Adult Store, Food and Drink Outlet, Hotel, Sales Office, Showroom, Veterinary Services, Agricultural Supplies Store, Bulk Landscape Supplies, Car Wash, Function Facility, Garden Centre, Hardware and Trade Supplies, Market, and Outdoor Sales.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Air Service	R	Planning Act 2016 Planning Regulation 2017			POA
Shopping Centre with GFA greater than 2,500m <sup>2</sup>	R	Planning Act 2016 Planning Regulation 2017			POA

### Rural Type Use

Animal Keeping, Aquaculture, Permanent Plantation, Cropping, Intensive Horticulture, Animal Husbandry, Rural Industry, Roadside Stall, Wholesale Nursery, Winery, Warehouse.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00

Name	Commercial or Regulatory Fee	Legislation	Fee (excl. GST)	Year 22/23 GST	Fee (incl. GST)
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### Industry Type Use

Extractive Industry, Service Industry, High Impact Industry, Low Impact Industry, Marine Industry, Medium Impact Industry, Research and Technology Industry, Special Industry, Transport Depot, Warehouse.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Major Electricity Infrastructure	R	Planning Act 2016 Planning Regulation 2017			POA
Renewable Energy Facility	R	Planning Act 2016 Planning Regulation 2017			POA
Substation	R	Planning Act 2016 Planning Regulation 2017			POA

### Community Type Activity Use

Childcare Centre, Park, Place of Worship, Community Care Centre, Community Use, Club, Emergency Services, Health Care Services, Cemetery, Utility Installation.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Crematorium	R	Planning Act 2016 Planning Regulation 2017			POA
Detention Facility	R	Planning Act 2016 Planning Regulation 2017			POA
Hospital	R	Planning Act 2016 Planning Regulation 2017			POA
Educational Establishment	R	Planning Act 2016 Planning Regulation 2017			POA

### Entertainment Type Use

Bar, Nightclub, Entertainment Facility, Theatre.

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00

### Recreation Type Use

Indoor Sport and Recreation.

Name	Commercial or Regulatory Fee	Legislation	Year 22/23		
			Fee (excl. GST)	GST	Fee (incl. GST)

### Recreation Type Use [continued]

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Major Sport, Recreation and Entertainment Facility	R	Planning Act 2016 Planning Regulation 2017			POA
Motor Sport Facility	R	Planning Act 2016 Planning Regulation 2017			POA
Other Recreation Type Uses - Environmental Facility, Outdoor Sport and Recreation	R	Planning Act 2016 Planning Regulation 2017			POA
Tourist Attraction	R	Planning Act 2016 Planning Regulation 2017			POA

### Other Type Use

#### Landing

Code Assessment	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Impact Assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,631.00	\$0.00	\$2,631.00
Port Services	R	Planning Act 2016 Planning Regulation 2017			POA
Undefined Use	R	Planning Act 2016 Planning Regulation 2017			POA

## OPERATIONAL WORKS APPLICATION FEES

### Town Planning Assessable Development

#### Operational Works

Application Fee (for works up to \$25,000 in estimated value) (minimum fee)	R	Planning Act 2016 Planning Regulation 2017	\$750.00	\$0.00	\$750.00
Application Fee (for works between \$25,000 - \$250,000 in estimated value)	R	Planning Act 2016 Planning Regulation 2017	2% value of work (Min. fee \$1,356.00)		
Application Fee (for works over \$250,000 in estimated value)	R	Planning Act 2016 Planning Regulation 2017	\$6,670 + 1.5% value of work over \$250,000		

#### Operational Works - Other

Prescribed Tidal Works	R	Planning Act 2016 Planning Regulation 2017			POA
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Name	Commercial or Regulatory Fee	Legislation	Fee (excl. GST)	Year 22/23 GST	Fee (incl. GST)
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#### Operational Works - Other [continued]

Infrastructure Agreements (non-trunk infrastructure only)	R	Planning Act 2016 Planning Regulation 2017			POA
Maintenance Bond for Operational Works	R	Planning Act 2016 Planning Regulation 2017		2% value of work	
Inspections and Compliance Assessment (minimum fee per inspection)	R	Planning Act 2016 Planning Regulation 2017	\$450.00	\$0.00	\$450.00
Constructing or modifying a levee bank - Category 1	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Constructing or modifying a levee bank - Category 2 and 3	R	Planning Act 2016 Planning Regulation 2017			POA

### TOWN PLANNING ASSESSABLE DEVELOPMENT - GENERAL FEES

Request for consideration by Council that development is accepted	R	Planning Act 2016 Planning Regulation 2017	\$715.00	\$0.00	\$715.00
Request for an Exemption Certificate under the Planning Act 2016	R	Planning Act 2016 Planning Regulation 2017	\$715.00	\$0.00	\$715.00
The cost of external consultant's fees including any associated legal fees incurred for any further assessment or advice required to be undertaken by Council in consideration of any application, submission and/or technical report may be charged to the applicant. Such costs must be paid prior to the final determination of the application.	R	Planning Act 2016 Planning Regulation 2017			POA
Pre-Lodgement Meeting Fee (where a written response is required)	C	Local Government Act 2009   s262(3)c	\$199.09	\$19.91	\$219.00
Confirmation of compliance of use with Planning Scheme and/or confirmation of existing use rights	R	Planning Act 2016 Planning Regulation 2017	\$715.00	\$0.00	\$715.00
Requests for Applications to be considered under Superseded Planning Scheme. Note: if the application under consideration is accepted by Council for assessment, the applicable assessment fee will apply.	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00

### TOWN PLANNING OTHER

#### Planning and Development Certificates

Limited (per lot)	R	Planning Act 2016 Planning Regulation 2017	\$94.00	\$0.00	\$94.00
Standard (per lot)	R	Planning Act 2016 Planning Regulation 2017	\$193.00	\$0.00	\$193.00
Full (per lot)	R	Planning Act 2016 Planning Regulation 2017	\$484.00	\$0.00	\$484.00

Name	Commercial or Regulatory Fee	Legislation	Fee (excl. GST)	Year 22/23 GST	Fee (incl. GST)
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### Sale of Copies of Town Planning Scheme

USB including scheme and maps	R	Planning Act 2016 Planning Regulation 2017			At cost
Printed copy of scheme only (no maps)	R	Planning Act 2016 Planning Regulation 2017			At cost
Printed copy of full set of zoning maps	R	Planning Act 2016 Planning Regulation 2017			At cost
Printed copy of individual zoning map (A3 per sheet)	R	Planning Act 2016 Planning Regulation 2017			At cost
Printed copy of individual zoning map (A4 per sheet)	R	Planning Act 2016 Planning Regulation 2017	At cost		

### Request to Change Development Approval

Request for a change development approval (minor)	R	Planning Act 2016 Planning Regulation 2017	50% of original application fee		
Request for a change (other) approval	R	Planning Act 2016 Planning Regulation 2017	\$1,356.00	\$0.00	\$1,356.00
Request to change (other) for an approval that involved impact assessment	R	Planning Act 2016 Planning Regulation 2017	\$2,361.00	\$0.00	\$2,361.00
Request to extend the currency period for a development approval	R	Planning Act 2016 Planning Regulation 2017	\$260.00	\$0.00	\$260.00
Request for change/amendment to be Considered Generally in Accordance With	R	Planning Act 2016 Planning Regulation 2017	\$260.00	\$0.00	\$260.00

### Resolution

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

FOR: Councillors McLaughlin, Perry, Boccalatte and Furnell

AGAINST: Councillors Musumeci and Detenon

4/2

CARRIED

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### **7.3.2. P. Burrelli - Report to Use Council Land for Pedestrian Only Fire Evacuation Purposes - Industrial Shed Complex Located at 19-21 McCathie Street, Ayr (Lot 11 on SP296509)**

#### **Executive Summary**

Council received a request from landowner/applicant, Pio Burrelli on 16 February 2023, requesting to use part of Council owned land (Lot 16 on RP745329) adjacent to his premises at 19-21 McCathie Street, Ayr (Lot 11 on SP296509), to provide a pedestrian only fire evacuation route as required by the National Construction Code which his proposed building application is subject to assessment against, should he wish to extend his current buildings on site.

As Pio Burrelli does not have the required room available on his site to be able to comply, he will need to engage a fire engineer to undertake a performance review and implement any requirements required as a result of the review.

Pio Burrelli has advised that this review option is not currently viable from a cost perspective which has led to his request to use part of the adjacent Lot 16 on RP745329 (being Council owned land) to provide the pedestrian only fire evacuation route.

#### **Recommendation**

That Council approve the request from Pio Burrelli, and permit him to use part of Lot 16 on RP745329 to provide a pedestrian only fire evacuation route from Lot 11 on SP296509 subject to the following requirements:

1. provision of a professional legal undertaking/agreement prepared by suitably experienced, practicing solicitor, for Council's review and approval, that indemnifies Burdekin Shire Council against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with granting permission for the use of part Lot 16 on RP745329 for the purposes of providing a pedestrian only fire evacuation route, for life of the structure on Lot 11 on SP296509 whilst it remains under Pio Burrelli's ownership.
2. The use of part Lot 16 on RP745329 to provide a pedestrian only fire evacuation route associated with uses on Lot 11 on SP296509, must not interfere with Council's use of Lot 16 on RP745329 for drainage purposes.
3. The use of part Lot 16 on RP745329 for pedestrian only fire evacuation purposes is not transferrable. A new request will need to be submitted for approval if Lot 11 on SP296509 changes ownership.
4. Burdekin Shire Council reserves the right to retract its permission for use of part Lot 16 on RP745329 for fire evacuation purposes, at any time.
5. The applicant/owner is responsible for ensuring that the proposed pedestrian only fire evacuation route complies with all legislative requirements and is fit for purpose for the life of its use. Burdekin Shire will not be responsible for any maintenance requirements on Lot 16 on RP745329 associated with the applicant/owner use of it to provide a pedestrian only fire evacuation route.
6. Preparation of the undertaking/agreement will be at the applicant/owner's cost, and at no cost to Council.

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## **Resolution**

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

CARRIED

*10.40am - Mrs. Galletta left the meeting.*

## **13. DELEGATION**

### **13.1. Australia Citizenship Presentation**

Mayor McLaughlin presented Mrs. Sandar Oo with her Australian Citizenship certificate which she was to receive at the Australia Day Ceremony held on 26 January 2023 at the Burdekin Theatre, at that time the certificate had not arrived in time for the ceremony.

*10.45am - Meeting adjourned for Morning Tea.*

*11.03am - Meeting recommenced.*

## **12. CLOSED BUSINESS ITEMS**

### **12.1. Confidential - Presentation from the State Valuation Service regarding the 2023 Valuation Program**

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

## **Resolution**

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

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

For the purpose of discussing:

1. Presentation from the State Valuation Service regarding the 2023 Valuation Program prior to the public release of the information.

CARRIED

### **Council Meeting opened to Public.**

Moved Councillor Musumeci, seconded Councillor Perry that the Council meeting be opened to the public.

CARRIED

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*12.05pm - Mr. Mulcahy re-entered the meeting.*

## **7.4. TECHNICAL SERVICES**

### **7.4.1. Burdekin Aquatic Facilities Strategy**

#### **Executive Summary**

Burdekin Shire Council currently owns four (4) aquatic facilities throughout the Shire:

- Ayr Swimming Pool
- Home Hill Swimming Pool
- Clare Swimming Pool
- Millaroo Swimming Pool

The Giru Swimming Pool also provides community access through a partnership between the Giru Progress Association and Education Queensland.

Council's 10 Year Sport and Recreation Plan identified the need to undertake a regional pool strategy to help guide decision making for resource allocation in the future.

In line with the sport and recreation plan recommendation, Council has engaged Ross Planning to prepare an aquatic facilities strategy for the Shire.

At its 14 February 2023 meeting Council considered the Draft Burdekin Aquatic Facilities Strategy and requested amendments be made regarding further consultation to be undertaken in the future, when renewal of pool facilities are planned, to ensure final facility design meets community need.

This report seeks Council's adoption of the amended Draft Burdekin Aquatic Facilities Strategy.

#### **Recommendation**

That Council adopts the Burdekin Aquatic Facilities Strategy as attached to this report.

#### **Resolution**

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

CARRIED

*12.23pm - Mr. Mulcahy left the meeting.*

## **8. NOTICE OF MOTION**

## **9. RECEIPT OF PETITIONS**



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## **10. CORRESPONDENCE FOR INFORMATION**

## **11. GENERAL BUSINESS**

### **11.1. Request for Council Support - Attendance of Councillor McLaughlin – Townsville Enterprise North Queensland Mayoral Delegation with Federal Government – Canberra – Monday 20 March to Thursday 23 March 2023**

#### **Resolution**

Moved Councillor Detenon, seconded Councillor Furnell that Council approve the attendance of Councillor McLaughlin to participate in the Townsville Enterprise North Queensland Mayoral Delegation with Federal Government and Opposition representatives in Canberra from Monday 20 March 2023 to Thursday 23 March 2023 and all expenses of attendance be met by Council.

CARRIED

### **11.2. Request for Council Support - Attendance of Councillor McLaughlin – Townsville Enterprise North Queensland Mayoral Delegation with State Government – Brisbane – Tuesday 28 March to Thursday 30 March 2023**

#### **Resolution**

Moved Councillor Perry, seconded Councillor Furnell that that Council approve the attendance of Councillor McLaughlin to participate in the Townsville Enterprise North Queensland Mayoral Delegation with State Government and Opposition representatives in Brisbane from Tuesday 28 March 2023 to Thursday 30 March 2023 and all expenses of attendance be met by Council.

CARRIED

## **12. CLOSED BUSINESS ITEMS**

## **13. DELEGATION**

There being no further business the meeting closed at 1.00pm.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 14 March 2023.**

**MAYOR**

## 4.2. MINUTES AND BUSINESS ARISING

### Burdekin Shire Road Safety Advisory Meeting Minutes - 15 February 2023

**File Reference:** 691

**Report Author:** Ginett Biffanti, Administration Officer

**Authoriser:** Glen Stockdale, Design Officer Coordinator

**Meeting Date:** 14 March 2023

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#### Purpose

This report provides the Minutes of the Burdekin Shire Road Safety Advisory Meeting held on 15 February 2023.

#### Summary of recommendations and actions for consideration and adoption:

##### Item 6.1.1 – Bus Shelter - Brandon

That Council liaise with the bus driver regarding the use of Payard Street, Brandon to stop in Sexton Street, Brandon to pick up or drop off the passengers and to also check to relocate the white stop lines on either side of Sexton Street and Tapiolas Road, Brandon.

##### Item 6.1.2 – Trim Hedges on the Corner Chippendale, Ayr and Airmillan Street, Ayr

That Council to contact the property owners on the corner of Chippendale Street and Airmillan Street, Ayr and request they trim the hedges.

##### Item 6.1.3 – Large Vehicle Turning into Johnson's Landscaping and Earthmoving

That Council forward safety concerns to Council's Planning Department regarding the large trucks coming from Johnson's Landscaping and Earthmoving that are turning right into their premises and crossing double lines on the bypass highway therefore, causing traffic to be backed up behind the large trucks.

##### Item 6.3.2 – Road Safety Week – May 2023

That Council liaise with Ms. Coulson to light up Burdekin Landmarks in yellow for Road Safety Week in May 2023.

##### Item 6.3.3 - Funding Information - School Transport Infrastructure Program

Ms. Coulson to send the School Transport Infrastructure Program link via email to Mr. Byers to forward an application for funding.

#### Recommendation

That:

1. the minutes of the Burdekin Shire Road Safety Advisory Meeting held on 15 February 2023 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Item 6.1.1 to 6.1.3, 6.3.2 and 6.3.3 above be adopted.

## **Attachments**

1. Minutes - Burdekin Shire Road Safety Committee Meeting - 15 February 2023



# Meeting Minutes

<b>Meeting</b>	Burdekin Shire Road Safety Advisory Committee Meeting		
<b>Date</b>	Wednesday, 15 February 2023	<b>Time</b>	10.30am
<b>Core Attendees</b>	Councillor Max Musumeci – Burdekin Shire Council Mr. Kevin Byers – Burdekin Shire Council Mr. Glen Stockdale – Burdekin Shire Council Mr. Kevin Riseley – Technical Officer (Road Safety) Northern District – Department of Transport and Main Roads Ms. Rachel Coulson – Manager (Road Safety) Northern Region – Department of Transport and Main Roads Senior Constable Brett Elton – Road Policing Unit – Queensland Police Service, Ayr Senior Constable Brendon Gadd – Road Policing Unit – Queensland Police Service, Ayr		
<b>Advisor Attendees</b>	Nil		
<b>Apologies</b>	Ms. Marita Stecko – Senior Advisor (Road Safety) - Northern Region – Department of Transport and Main Roads Mr. John Tait – Cane Supply Manager – Wilmar Sugar Australia Limited Mr. Mark Lazzarini – Burdekin Transport Operations Manager - Wilmar Sugar Australia Limited Mr. Peter Heron – Officer in Charge (Acting), Queensland Ambulance Service, Ayr Mrs. Kristy Raitelli – Transport and Main Roads Project Officer – Burdekin Shire Council		
<b>Chairperson</b>	Councillor Max Musumeci		
<b>Minutes Clerk</b>	Ms. Ginett Biffanti		
<b>Location</b>	John Hy Peak Heritage Room- 145 Young Street, Ayr		

## 2. Minutes Received

### Minutes of the Burdekin Shire Road Safety Advisory Committee Meeting held on 16 November 2022.

Moved, Kevin Byers seconded Max Musumeci that the flying minutes of the Burdekin Shire Road Safety Advisory Committee Meeting held on Wednesday, 16 November 2022 be accepted noting the following amendment:

#### 6.4 Request to Reduce Speed Limit – Sandy Corner, Brandon Turnoff

Council received a request from a customer to review the speed limit at the Sandy Corner, Brandon turnoff to allow caravan-pulling drivers to safely enter the road.

The Department of Transport and Main Roads representative advised the committee –

- Manual of Uniform Traffic Control Devices– Part 4 Speed Controls allows for speed limits to be reduced on the approaches to intersections with speed limits of 80km/h or greater, which have either a high crash history or high potential of crash risk.
- Road Crash 2 Query at this location for the past 5 years returned only 1 x reportable crash where a south bound vehicle on the highway turned right (Fiveways Road) into the path of a north bound vehicle.
- The sight distance is open >300m in both directions.

- The intersection was upgraded in 2011 and meets current design standards (Design Speed of 120km/h)
- The Sandy Corner CCTV was positioned to monitor vehicle movements from Wednesday 9 November – 15 November.
  - It revealed the predominate caravan movements were left out
  - Traffic on the highway is typically spread out enough to allow gaps for traffic to enter the highway from Fiveways Road
  - The time waiting for a gap is minimal.
  - Trucks and articulated vehicles exiting Fiveways Road entered the highway safely, and these vehicles rates of acceleration are expected to be less than a caravan.

It would appear caravans are turning onto the highway and not picking an appropriate gap to allow for the increased mass of their vehicle combination and the slower rates of acceleration. It was advised, based on all the above, the existing speed limit is to remain unchanged.

CARRIED

### 3. Business Arising out of Minutes

Councillor Musumeci requested for an update to Mr. Peter Heron's enquiry regarding if Queensland Ambulance Service had a remote to turn on the Burdekin Bridge traffic lights in 6.8 of the meeting held on 16 November 2022.

Mr. Riseley informed that contact was made via email and that Mr. Heron informed him that Ayr and Home Hill Ambulance Service do not have a remote and have never had one. After more deliberation, it was deemed that it did not serve a purpose for them to have a remote with where the infrastructure is on the bridge. The remote is used more for wide and oversized vehicles that required assistance in crossing the Burdekin Bridge.

Councillor Musumeci requested an update on 7.0 regarding the moving of the School Zone Sign on Adelaide Street, Ayr. Mr. Stockdale informed that an email was sent to action this request and is in the process of relocating the sign approximately 100 metres further down from the previous location.

### 4. Review Action Items List

		Responsible Officer	Status
1.	<b>18 May 2022</b> Item 6.3 - Council to investigate the lack of speed signs on Lena Road, Mount Kelly.	Glen Stockdale BSC	Council to Investigate the lack of Speed Signs and report their findings to Senior Constable Brett Elton.

### 5. Correspondence or Information

Nil.

## **6. General Business**

### **6.1 Senior Constable Brett Elton – Road Policing Unit – Queensland Police Service, Ayr**

1. Senior Constable Elton believes that the white stop line on either side of Sexton Street and Tapiolas Street, Brandon is too far back and requested that they be moved forward. It was suggested that the new bus shelter be reconfigured because the bus driver currently swings around and stops in the middle of the two intersections of Sexton Street and Tapiolas Street in Brandon. It was advised that the bus driver makes a loop on to Payard Street in Brandon, stopping near the bus shelter on Sexton Street. This would allow the bus to stop closer to the dedicated bus shelter and allow the bus driver to drive into traffic without causing a traffic hazard for other motorists.

Council to investigate into having the bus driver using Payard Street, Brandon to stop in Sexton Street, Brandon to pick up or drop off the passengers and to also check to relocate the white stop lines on either side of Sexton Street and Tapiolas Road, Brandon.

2. Senior Constable Elton inquired about a property near the intersection of Chippendale Street and Airdmillan Road in Ayr that has hedges that are obstructing the motorist's line of sight and whether Council had any authority to have the property's owners trim the hedges. It was advised that Council has no authority if it is on the owner's property, but in the past, they have contacted the owners and explained the obstruction and asked if they could trim them back. Council to contact the property owners and ask them to trim the hedges.
3. Senior Constable Elton raised concern about the large trucks coming from Johnson's Landscaping and Earthmoving that are turning right into their premises and crossing double lines on the bypass highway therefore, causing traffic to be backed up behind the large trucks, as well as site issues with large trucks travelling south and not being able to stop quickly enough due to the bend of road restricting sight distance.

Council and Queensland Police both agreed that trucks should be turning left into the premises and left out when they are leaving the premise. Concerns are also raised regarding the sight obstruction from the piles of gravel on the premises.

This feedback is to be forwarded to Council's Planning Department to be raised with Johnson's Landscaping and Earthmoving as they have a Material Change of Use Development Application in progress and conditions are likely to be added to alleviate the issues being discussed.

### **6.2 Mr. Kevin Riseley – Department of Transport and Main Roads**

1. The Department of Transport and Main Roads (TMR) is currently investigating oversize vehicle travel arrangements across the Burdekin Bridge. TMR will be consulting with affected stakeholders. These investigations will include signage and possible remote Traffic Management Centre operations. In closing, and to reinforce, there are no changes (and will be no changes) to the existing oversize vehicle dimensional limit requirements / restrictions or the escort requirements to travel over the bridge.

2. Mr. Riseley updated the Burdekin Bridge Rehabilitation Project – Night Works were to be held on Sunday 5 February to Friday, 10 February 2023 were cancelled due to weather conditions.

The Burdekin Bridge Rehabilitation Project has been rescheduled; the night works will now commence:

- Sunday, 5 March to Friday, 10 March 2023 with all work subject to construction progress and weather conditions.
- Works will commence nightly at 7.00pm to 5.00am.

Information has been distributed to stakeholders and all enquires to contact the Customer and Stakeholder Management Team.

3. Mr. Riseley updated the committee on the Bruce Highway Inkerman Project.

This project is comprised of two projects –  
Fredericksfield Road to Homestead Road construct overtaking lanes project; and  
Mount Inkerman Road improve intersection project.

The project scope includes:

- Construction of a new northbound overtaking lane between Fredericksfield Road to Homestead Road;
- Improved safety through the provision of roadside safety barriers to protect motorists from steep roadside batters, the North Coast Railway line and other roadside hazards;
- Installation of Audio Tactile Line Marking;
- Installation of two pullover areas;
- Pavement rehabilitation and widening;
- Culvert replacement;
- Installation of dedicated left and right turn lanes into Mount Inkerman Road; and
- Widening of the Mount Inkerman Road intersection to improve sight distances and increase available room for turning movements.

The construction contract is expected to be awarded in March 2023 with construction expected to commence in April 2023 with completion in early 2024. Community consultation about the projects has been limited to date given the uncertainty in delivery timing. TMR will consult with residents, businesses, and the broader community in February / March 2023.

### **6.3 Ms. Rachel Coulson – Manager (Road Safety) Northern Region – Department of Transport and Main Roads**

1. The Driver Reviver Program is being phased out by the Department of Transport and Main Roads (TMR), but Ms. Coulson informed the committee that this will not have an impact on the Burdekin region because the Programme is currently provided through the Visitor Information Centre.

Ms. Coulson also informed the committee that funding is available to Council for the demolition or renovation of the structure on Sandy Corner that was formerly utilised as the Driver Reviver as part of TMR's transitioning from the Driver Reviver Program. The appropriate course of action for the building will be further discussed with the Council.

Ms. Coulson informed that the rest areas where the Driver Reviver had operated were open and not about to close.



2. Road Safety Week will start in May 2023, and Ms. Coulson is requesting cooperation from Council to have Burdekin landmarks lit in yellow during that time. Council will follow up with Ms. Coulson and determine which landmarks can be lit up.
3. Ms. Coulson informed the committee of the School Transport Infrastructure Program (STIP) which provides funding to improve the safety and operation of schools through new or improved infrastructure at the school.

Ms. Coulson suggested that STIP could be used to fund the school signage where half of the cost will be provided by the STIP. Ms. Coulson to send the STIP link via email to Mr. Byers to forward an application for funding.

There being no further business, the meeting closed at 11.22 am.

**The next meeting will be held on Wednesday, 17 May 2023 at 10.30am.**

Councillor M. Musumeci.

Chairman



**Actions from This Meeting**

	Action Item	Responsible Officer	Status
1.	<b>Item 6.1.1</b> Council to liaise with the bus driver regarding the use of Payard Street, Brandon to stop in Sexton Street, Brandon to pick up or drop off the passengers and to also check to relocate the white stop lines on either side of Sexton Street and Tapiolas Road, Brandon.	Glen Stockdale BSC	Pending
2.	<b>Item 6.1.2</b> Council to contact the property owners on the corner of Chippendale Street and Airdmillan Street, Ayr and request they trim the hedges.	Glen Stockdale BSC	Pending
3.	<b>Item 6.1.3</b> That Council forward safety concerns to Council's Planning Department regarding the large trucks coming from Johnson's Landscaping and Earthmoving that are turning right into their premises and crossing double lines on the bypass highway therefore, causing traffic to be backed up behind the large trucks.	Glen Stockdale BSC	Pending
4.	<b>Item 6.3.2</b> Council to liaise with Ms. Coulson to light up Burdekin Landmarks in yellow for Road Safety Week in May 2023.	Glen Stockdale BSC	Pending
5.	<b>Item 6.3.3</b> Ms. Coulson to send the School Transport Infrastructure Program link via email to Mr. Byers to forward an application for funding.	Ms. Coulson TMR	Pending

### **5.1.1. CEO**

#### **Council Workshops - February 2023**

**File Reference:** 1394

**Report Author:** Terry Brennan, Chief Executive Officer

**Authoriser:** Terry Brennan, Chief Executive Officer

**Meeting Date:** 14 March 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027:

5.2.1 Demonstrate open and transparent leadership

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#### **Executive Summary**

In line with its normal meeting arrangements, the Council conducted two (2) general workshops during February with workshops held on 7 and 21 February 2023.

A range of policy and operational issues were discussed by Councillors and staff at the 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 7 and 21 February 2023 be received and noted.

#### **Background**

The Council has adopted governance arrangements based on holding Council meetings on a fortnightly basis each month, except in December and January each year, where only one meeting is held in each month. Similar arrangements apply to the conduct of general workshops which are held on the alternate week to Council meetings.

In line with these arrangements, two (2) general workshops were conducted during February with workshops held on 7 and 21 February 2023. A budget workshop was also held on 16 February.

A broad range of policy and operational issues were discussed at the workshops along with presentations from external parties. A summary of the issues discussed at the workshops is outlined below:

#### 7 February 2023

- Update on Development matter - Klondyke Road and Drysdale Street, Ayr
- Enforcement Notice - Septic Tank Matter - Giru
- Development Application - Reconfiguring a Lot - Nina Drive, Ayr
- Discussion on next stage of Burdekin Be Active Trail at Home Hill
- Discussion on Continued Operation of Funny Dunny Park and Caretaker Arrangements
- Delegation - Townsville Enterprise Ltd - Presentation on new Destination Brand
- Discussion on updated Meeting Procedures and Standing Orders
- Review of existing policies:
  - \* Flag Policy
  - \* Advertising Spending Policy
- Community Capacity Building - Community Connect program
- Briefing on Community Directory software
- Presentation on Community Health and Wellbeing Model Overview
- Update on Community and Cultural Development Advisory Group
- Update on Cultural Venues
- Update on Damage Assessment of Council Roads - Recent Flood Event
- Update on Staffing matters

#### 21 February 2023

- Presentation on New Fees and Charges for Planning Scheme Commencement
- Shed Extension - McCathie Street Ayr - Request for Fire Evacuation Access to Council Land
- Presentation - RDA Townsville and North-West Queensland - Overview of Live North Queensland and Jobs North Queensland websites
- Donation Proposal - Original Populin Cane Planter - Home Hill Diorama Park
- Presentation on Community Directory Business Case
- Update on Youth Portfolio
- Community Cultural Development Advisory Group - Feedback from Mid-Term Review and proposed options
- Discussion on Tenders Received for Leachate Infrastructure Works and Electrical Upgrade - Kirknie Landfill
- Proposed Footpath Extension Works - Macmillan Street, Ayr
- Presentation on Operational Plan Q2 report
- Proposed Community Connect - Rita Island and Jarvisfield

#### **Consultation**

Consultation was undertaken with various parties in the presentation of the workshop topics.

#### **Budget & Resource Implications**

Not Applicable.

#### **Legal Authority & Implications**

Not Applicable.

#### **Policy Implications**

Any policy proposals or approvals are subsequently referred to a Council meeting via a report for consideration and if approved, formal adoption.

**Risk Implications (Strategic, Operational, Project Risks)**

Strategic Risk due to possible reputation damage if policies or major initiatives are not effectively developed with input and support from Councillors.

**Attachments**

None

#### **6.4.1. GOVERNANCE**

#### **Transfer of Freehold Lease - Mr. Graham Henry Andersen to Mr. Stephen John McGuire and Mrs. Beth McGuire – Part of Lot 106 on Registered Plan 898777 - Ayr Aerodrome**

**File Reference:** 173

**Report Author:** Jodie Ordorica, Governance Support Officer

**Authoriser:** Nick OConnor, Director Corporate and Community Services

**Meeting Date:** 14 March 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

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

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#### **Executive Summary**

Council approval is requested to consent to the Transfer of the following Freehold Lease:

**Lessor:** Burdekin Shire Council  
**Lessee:** Mr. Graham Henry Andersen  
**Interest:** Fee Simple  
**Leased Premises:** Lease K in Lot 106 on Registered Plan 898777  
**Location:** Ayr Aerodrome, Brandon  
**Commencement:** 1 September 2027  
**Expiry:** 30 June 2027  
**Options:** Nil

#### **Recommendation**

That Council agree to the Lessee (Mr. Graham Henry Andersen) transferring the whole of the Freehold Lease over the leased premises described as Lease K in Lot 106 on Registered Plan 898777 to Mr. Stephen John McGuire and Mrs. Beth McGuire.

#### **Background**

Mr. Graham Henry Andersen wrote to Council on 15 February 2023 advising of the sale of Mr. Andersen's hangar to Mr. Stephen John McGuire and Mrs. Beth McGuire.

As a result of the sale of Mr. Andersen's hangar to Mr. Stephen John McGuire and Mrs. Beth McGuire, the leased premises whereby the hangar is situated must also be transferred to Mr. Stephen John McGuire and Mrs. Beth McGuire.

#### **Consultation**

Not Applicable.

**Budget & Resource Implications**

Lessee to arrange Deed of Covenant/Assignment for signing by all parties.

Staff resources will be utilised to prepare Transfer documentation.

All costs associated with the transfer of Lease are to be borne by the transferor/transferee.

**Legal Authority & Implications**

Not Applicable.

**Policy Implications**

This Lease is in compliance with the Council Property and Leasing Policy.

**Risk Implications (Strategic, Operational, Project Risks)**

Council owned or controlled land used by community, commercial organisations or individuals without formal and consistent tenure arrangements, places liability on Council in the event of injury, accident or unenforceable agreements.

By formalising tenure arrangements, it reduces the risk of unenforceable arrangements and inappropriate use of Council land/property by providing appropriate and consistent tenure guidelines.

**Attachments**

None

## 6.4.2. GOVERNANCE

### Fraud and Corruption Control Policy

**File Reference:** 1391

**Report Author:** Rebecca Stockdale, Senior Governance Officer

**Authoriser:** Terry Brennan, Chief Executive Officer

**Meeting Date:** 14 March 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

5.2.2: Responsibly manage Council's financial position to ensure sustainability.

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2022-2023

CG10 Monitor and review Fraud and Corruption Control Plan for legislative and regulatory changes.

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#### **Executive Summary**

Fraud and Corruption are ongoing risks in the Local Government sector and may impact on the organisation's ability to deliver corporate and operational objectives. Fraud threats can be internal to an organisation or can come from an external source and can take a variety of forms. Impacts from Fraud and Corruption risks can be significant. Council's Fraud and Corruption Control Policy represents Council's commitment to proactively identifying fraud and corruption risks and implementing effective controls to mitigate against possible damaging impacts. The Fraud and Corruption Control Policy is reviewed every two (2) years to ensure it reflects current best practices and is aligned to the relevant anti-corruption legislation.

#### **Recommendation**

That Council adopts the Fraud and Corruption Control Policy as revised and attached to this report.

#### **Background**

Local Governments are exposed to a large variety of fraud and corruption risks particularly in the areas of procurement, financial management, human resource management, payroll and information management. Threats can be external to the organisation or can be generated within the organisation. The impacts of fraud and corruption can be wide reaching and can include damage to Council's reputation, Council financial sustainability and Council's ability to deliver services to the public. Council's Fraud and Corruption Control Policy is the cornerstone of Council's broader Fraud and Corruption Control Framework. It makes a clear commitment by Council to preventing, detecting and appropriately responding to fraud and corruption within and against the organisation.

#### **Consultation**

The Fraud and Corruption Control Policy was reviewed by Council's Senior Governance Officer and was discussed at a Council workshop on 7 March 2023.

#### **Budget & Resource Implications**

There are no direct budget implications associated with the adoption of this policy.

## **Legal Authority & Implications**

Council has obligations under the Local Government Regulation 2012 to report any reportable losses due to fraud activity within six (6) months to the Auditor General and the Minister Responsible for Local Government.

### 307A Recording and notifying loss of Local Government asset

- (1) This section applies if the Chief Executive Officer -
  - (a) is aware of a loss of an asset belonging to the Local Government that the officer is satisfied is a reportable loss; or
  - (b) reasonably suspects there has been a reportable loss of an asset belonging to the Local Government; or
  - (c) is aware of a material loss of an asset belonging to the Local Government.
- (2) The Chief Executive Officer must keep a written record of the following details about the loss -
  - (a) a description of the asset, including its value;
  - (b) the cause of the loss;
  - (c) the action taken by the Local Government to deal with the loss, including, for example -
    - (i) action to remedy any weakness in the local government's operations; or
    - (ii) action taken to recover the loss;
  - (d) approval for writing off the loss.
- (3) If the Chief Executive Officer is satisfied the material loss is also a reportable loss, the officer must notify the following as soon as practicable, but not more than six (6) months after the officer becomes aware of the loss -
  - (a) the Minister;
  - (b) the Auditor General;
  - (c) for a loss resulting from the commission of an offence under the Criminal Code or another Act - a Police Officer;
  - (d) for a loss resulting from the corrupt conduct of a Councillor, Local Government employee or Local Government worker - the Crime and Corruption Commission.
- (4) In this section - corrupt conduct see the Crime and Corruption Act 2001, section 15. material loss, for an asset belonging to a Local Government, means -
  - (a) for money - a loss of more than \$500.00; or
  - (b) for any other asset - a loss valued by the Chief Executive Officer at more than \$1000.00reportable loss, for an asset belonging to the Local Government, means a loss resulting from -
  - (a) the commission of an offence under the Criminal Code or another Act; or
  - (b) the corrupt conduct of a Councillor, Local Government employee or Local Government worker; or
  - (c) conduct of a contractor of the Local Government that would be corrupt conduct if the contractor were a Councillor, Local Government employee or Local Government worker.

## **Policy Implications**

Council's Fraud and Corruption Control Policy was first adopted in December 2015 and was reviewed and updated in 2018 and 2020 in line with Council's policy review schedule. The revised policy will be published to Council's website upon adoption and will be updated in the policy register.

## **Risk Implications (Strategic, Operational, Project Risks)**

Council faces many fraud and corruption risks. These risks are varied in nature and many control measures are necessary to reduce the risk of a fraud event occurring and improve the risk of detection and appropriate response. This policy is one part of a broader fraud and corruption control framework aimed at adequately addressing these risks.

## **Attachments**

1. Fraud and Corruption Control Policy





Policy Type	Statutory
Function	Governance
Policy Owner	Chief Executive Officer
Policy Contact	Senior Governance Officer
Effective Date	15 December 2020

## Purpose

This policy details Council's commitment to the prevention, detection, and management of fraudulent and corrupt activity within or against the organisation. The policy aims to minimise the frequency and severity of possible fraud or corruption activities through active identification of fraud and corruption risks and implementation of a Fraud and Corruption Control Plan with a focus on prevention, detection and treatment of fraud and corruption activities within the organisation.

## Executive Summary

Fraud and corruption can harm Council's reputation and credibility, affect public confidence in Council and lead to financial loss to Council and negatively impact ratepayers. The Local Government Act 2009 requires Council to establish and maintain appropriate systems of internal control and risk management. This policy is part of Council's Fraud and Corruption Control Framework and should be read in conjunction with the Fraud and Corruption Control Plan.

## Objectives

The main objectives of this policy are to provide a framework to:

- prevent, identify, and manage any internal or external fraud or corruption affecting Burdekin Shire Council;
- ensure effective strategies and activities are identified and implemented within the organisation to mitigate fraud and corruption risks;
- minimise the frequency and severity of fraud and corruption activities through the implementation of a robust Fraud and Corruption Control Plan.

## Policy Statement

Council is committed to:

- applying a risk management approach to the prevention, identification and management of fraud and corruption;
- reducing or removing the potential for fraudulent or corrupt conduct on the part of its employees, contractors, clients, and suppliers;
- detecting fraudulent or corrupt conduct through the systematic processes articulated in Council's Fraud and Corruption Control Plan (see Related Documents);
- investigating or otherwise formally enquiring into all instances of suspected fraudulent or corrupt conduct exposed as a result of routine detection processes or as a result of receiving an allegation of fraudulent or corrupt activities;
- managing, disciplining, or facilitating the prosecution of those responsible for incidents of fraud and corruption as appropriate;
- minimising the risk of fraud and corruption; and
- continued operational transparency and organisational integrity.

Council recognises that fraud and corruption prevention and control are integral components of good governance and risk management. Therefore, Council is committed to identifying and addressing fraud and corruption risks within the Fraud and Corruption Control Plan.

Council officers and elected members have a responsibility and an obligation to report suspected or known fraudulent or corrupt activities or incidents. Accordingly, Council will take appropriate action in relation to any suspicion, report, complaint, or disclosure of illicit, wrongful or corrupt conduct on the part of its staff, its elected members or any party with whom it conducts business.

In accordance with Council's Public Interest Disclosures Policy, Council will investigate and take appropriate action in relation to complaints or reports of reprisal action against a council officer, elected member or member of the public who reports suspected or known incidents of fraud and/or corrupt conduct.

Council will ensure that effective reporting to the Auditor General and Minister responsible for Local Government is conducted in accordance with requirements of the *Local Government Regulation 2012*.

## Exceptions

Nil.

## Risk Management

This policy is the cornerstone of Council's Fraud and Corruption Control Framework and supports the responsible and accountable management of risks by clearly articulating Council's attitude toward fraud and corruption and setting clear responsibilities for mitigating those risks and reporting and responding to any known or suspected wrongful activity.

## Legislation

*Crime and Corruption Act 2001*

*Criminal Code Act 1899*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Public Interest Disclosures Act 2010*

## Definitions and Abbreviations

<b>Complaint</b>	includes a complaint, report, disclosure information or matter.
<b>Corruption</b>	means dishonest activity in which a Director, Executive, Manager, Employee or Contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.
<b>Corrupt Conduct</b>	see Section 15 <i>Crime and Corruption Act 2001</i> .
<b>Council</b>	means Burdekin Shire Council.
<b>Fraud</b>	means dishonest activity, causing actual or potential financial loss to any person or entity, including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

## Related Documents

Reference Number	Document Title
1515935	Fraud and Corruption Control Plan
GOV-POL-0018	Public Interest Disclosure Policy

## Document History and Version Control

Title of Document	Fraud and Corruption Control Policy
Document Reference Number	GOV-POL-0009 Rev 3
Review Schedule	24 months
Council Meeting Date	15 December 2020
Council Resolution Number	

### 6.4.3. GOVERNANCE

#### Entertainment and Hospitality Policy

**File Reference:** 1190

**Report Author:** Rebecca Stockdale, Senior Governance Officer

**Authoriser:** Terry Brennan, Chief Executive Officer

**Meeting Date:** 14 March 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

5.2.2: Responsibly manage Council's financial position to ensure sustainability.

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2022-2023

CG5 Manage Council's Corporate Policy Program.

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#### **Executive Summary**

In the course of conducting official Council business, expenditure on entertainment and hospitality is occasionally required. Council's Entertainment and Hospitality Policy outlines the reasonable and appropriate purposes for which expenditure can be incurred. The policy applies to Councillors and Council Employees, as well as other persons such as members of the public, suppliers or customers or other visitors to Council. Expenditure under this policy should be transparent and justifiable and should help to progress Council toward achieving its Corporate Objectives.

#### **Recommendation**

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

#### **Background**

Council is required to adopt an Entertainment and Hospitality Policy in accordance with *Section 196 of the Local Government Regulations 2012*. Council may only spend money on Entertainment and Hospitality in a way that is consistent with the adopted policy. Council's Entertainment and Hospitality Policy outlines the circumstances when entertainment and hospitality expenses are considered to be reasonable. The policy was reviewed in accordance with the adopted review schedule. Minor amendments to the policy were made during this review.

#### **Consultation**

Council discussed this policy at a workshop on 7 March 2023. The policy was also provided to members of the SLG and ELT for feedback before being presented to Council.

#### **Budget & Resource Implications**

Expenditure for Entertainment and Hospitality in accordance with this policy must be within budgetary constraints.

## **Legal Authority & Implications**

*Local Government Regulation 2012*

### 196 Entertainment and Hospitality

(1) A Local Government must prepare and adopt a policy about the Local Government's spending on entertainment or hospitality (an entertainment and hospitality policy). Examples of entertainment or hospitality -

- entertaining members of the public in order to promote a Local Government project
- providing food or beverages to a person who is visiting the Local Government in an official capacity
- providing food or beverages for a conference, course, meeting, seminar, workshop or another forum that is held by the local government for its Councillors, local government employees or other persons
- paying for a Councillor or Local Government employee to attend a function as part of the Councillor's or employee's official duties or obligations as a Councillor or Local Government employee

(2) A Local Government may spend money on entertainment or hospitality only in a way that is consistent with its entertainment and hospitality policy.

## **Policy Implications**

This policy will replace the existing Entertainment and Hospitality Policy and will be updated in Council's Policy Register and published to the Council website.

## **Risk Implications (Strategic, Operational, Project Risks)**

This policy helps to mitigate against the risk of inappropriate expenditure in relation to the provision of entertainment and hospitality by setting clear standards and guidelines.

## **Attachments**

1. Entertainment and Hospitality Policy

Policy Type	Statutory
Function	Governance
Policy Owner	Chief Executive Officer
Policy Contact	Director Corporate and Community Services
Effective Date	15 December 2020

## Purpose

To set standards for entertainment and hospitality expenditure incurred on Council's behalf which meet legislative and community standards and comply with Council's Code of Conduct for Workers.

## Scope

This Policy applies to all entertainment and hospitality arrangements undertaken by Councillors and Officers.

Entertainment and hospitality expenditure made by Council may relate to:

- Councillors;
- Council workers;
- other persons, such as members of the public, suppliers or customers or other visitors to Council.

## Policy Statement

### Context

Burdekin Shire Council is a significant Shire and is increasingly interacting at a community, cultural, business and political level with other parties throughout Australia and the world.

Council's role extends to the following:

- forming relationships and links within the region, across Australia and internationally to ensure the strong economic performance of the region and the strong operational performance of the Shire;
- working with the Burdekin community and the region to strengthen the social fabric of the Shire;
- working with employees to encourage them to provide the best value service and performance for the residents and visitors to the Shire.

In performing the role outlined above, it is necessary from time to time for Council to engage in entertainment and hospitality activities.

### Reasonable and appropriate expenditure

Examples of circumstances or events which may attract entertainment and hospitality expenditure, and which are considered reasonable and appropriate are listed below. Decisions on which expenditure is considered reasonable and appropriate must take into consideration the Objectives of this policy and the role of Council.

*Civic functions:* such as citizenship ceremonies that provide community recognition or a welcome by Council. The decision as to reasonable and appropriate costs will take into consideration the number of attendees, the timing of the function, the venue, and the location within the Shire.

*Other functions:* such as functions which a Councillor or employee attends in their official capacity. This includes but is not limited to:

- functions hosted to further relationships and links with businesses, dignitaries and visitors;

- functions to strengthen civic and cultural ties that are important to the region;
- conferences;
- workshops; and
- training.

Where a function is arranged and employees or visitors will be present during a normal meal period, Council may, if it facilitates the purpose of the event, arrange for refreshments to be made available. Such refreshments are to be reasonable in relation to the purpose and nature of the event and the expected attendees.

If an employee attends a function not provided by Council at Council cost, Council may pay for meals (including alcoholic drinks) if they are included in an overall registration cost for the event. In these cases, separate identification of entertainment and hospitality expenses will not be available.

*Employee reward and recognition:* Recognition of Council Officers to reward outstanding achievement in the provision of services to the public. This may include official reward and recognition events, length of service presentations and Officer farewells (for example morning tea). Plaques or related gifts are not considered to be entertainment or hospitality expenditure.

*Development of working relationships:* Development of internal and external working relationships is integral to achieving an efficient and effective organisation. The Mayor, CEO and senior managers have discretion in authorising entertainment and hospitality expenditure on a minor and infrequent basis.

*Annual Christmas celebration:* To recognise and appreciate Council employees for their dedication and commitment to the provision of Council services to the public, a contribution will be provided for the annual Christmas function.

*Meetings:* Entertainment and hospitality for meetings held within ordinary working hours should be kept to a minimum. Where Councillors or employees are required to work through a meal break or outside normal hours due to the impracticality of holding the meeting at any other time, the relevant meal allowance is to be used as a guide.

*Sustenance expenditure:* Sustenance expenditure such as meals and non-alcoholic drinks for staff while away from the normal place of work.

*Partner, Spouse or Associate Person (PSA) expenditure:* The entertainment and hospitality costs for the partner, spouse or associate person (PSA) of a Councillor or Employee must be specifically approved in advance of any expenditure. Only in exceptional circumstances, where the attendance of a PSA is of demonstrated benefit to Council, are the entertainment and hospitality costs for such a person to be met by Council. Expenditure to cover a Councillor's PSA attendance must be approved by the Mayor or the CEO prior to spending funds. Expenditure to cover an employee's PSA attendance must be approved by the CEO prior to spending funds. If attendance by a PSA is approved, the PSA is expected to comply with the relevant Code of Conduct.

*Other Hospitality Expenses:* Other types of expenditure considered reasonable as official hospitality include:

- the provision of tea, coffee, sugar, milk and morning or afternoon tea for official visitors, Councillors, and appropriate staff;
- the provision of tea, coffee, sugar and milk for employees' morning and afternoon tea breaks.

## Unreasonable or Inappropriate

Examples of expenditure which is generally considered to be unreasonable and inappropriate and are therefore to be treated as private expenditure are:



- tips or gratuities – tipping is not customary in Australia, however, when travelling overseas and tipping is the custom, these will be considered official expenditure;
- dinners/functions at the private residence of a Councillor or employee;
- alcoholic drinks or mini bar expenses, except as provided in this policy under reasonable and appropriate expenditure;
- any events not deemed official Council business.

## Exceptions

Nil.

## Objectives

To ensure that Councillors and Officers participating in official entertainment or hospitality:

- obtain the most cost-effective outcome for Council;
- efficiently make the necessary entertainment or hospitality arrangements; and
- comply with legal, financial, audit and ethical requirements.

## Risk Management

This policy helps to mitigate risks associated with improper expenditure in relation to the provision of entertainment and hospitality by setting clear standards and guidelines.

## Legislation

*Local Government Act 2009*

*Local Government Regulation 2012*

## Related Documents

Reference Number	Document Title
FIN-POL-0017	Procurement Policy
GOV-POL-0005	Councillor Expense Reimbursement Policy
ECM 1068863	Burdekin Shire Council Code of Conduct for Workers
HRS-OSD-0007	Reward and Recognition Operational Standard

## Document History and Version Control

Title of Document	Entertainment and Hospitality Policy
Document Reference Number	GOV-POL-0008 Rev 3
Review Schedule	24 months
Council Meeting Date	15 December 2020
Council Resolution Number	1628432



### 7.3.1. PLANNING AND DEVELOPMENT

#### **Material Change of Use – Service Station and Shop located at 39-49 Eighth Avenue, Home Hill (Lots 5-7 on H61610)**

**File Reference:** 226 and MCU22/0014

**Report Author:** Kellie Galletta, Manager Planning and Development

**Authoriser:** Nick Wellwood, Director Infrastructure Planning and Environmental Services

**Meeting Date:** 14 March 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

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

3.4.1: Support strategic projects that will contribute to liveability and economic growth in the Burdekin.

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.

4.2.1: Maintain the balance between positive environmental outcomes and ongoing development.

4.2.5: Promote the implementation of environmental best practice by Council, residents, and business.

Burdekin Shire Council Operational Plan 2022-2023

PD1 Ensure development approvals are fully compliant with relevant imposed development conditions.

PD6 Facilitate pre-lodgement meetings with developers to support and encourage economic growth opportunities for the Burdekin Shire whilst balancing planning and environmental outcomes.

PD9 Ensure all new developments are assessed against provisions contained within Council's adopted Local Government Infrastructure Plan (LGIP), Planning Act 2016, Planning Scheme, legislative requirements and other relevant instruments.

PD10 Implement the new Planning Scheme to achieve balanced environmental outcomes.

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#### **Executive Summary**

Council is in receipt of a development application lodged by Milford Planning on behalf of applicant, Bayaway Pty Ltd, for a Material Change of Use for a Service Station and Shop across three parcels of Retail and Commercial zoned land, described as Lots 5-7 on H61610 and located at 39-49 Eighth Avenue, Home Hill.

The proposed development will involve the construction of a new service station on the subject site, comprising light and heavy vehicle refuelling facilities, convenience store, food and drink services and on site car parking.

A Service Station use is an impact assessable development in the Retail and Commercial Zone. Public Notification was undertaken, with two (2) properly made submissions received.

The application also triggered referral to the North Queensland State Assessment and Referral Agency (NQSARA) as the premises adjoins a state controlled road (Eighth Avenue/Bruce Highway).

As the development application is impact assessable, officers have assessed it on its own merits and against the relevant assessment benchmarks of the Planning Scheme and all other relevant legislation. Notwithstanding any conflicts identified, have determined that any approval can generally comply through the use of reasonable and relevant development conditions.

## **Recommendation**

That Council approve the proposed Material Change of Use for a Service Station and Shop on land described as Lots 5-7 on H61610 and located at 39-49 Eighth Avenue, Home Hill, subject to reasonable and relevant conditions, as included in Attachment A and Infrastructure Charges as set out in Attachment B.

## **Background**

### Proposed Development

The proposed development is the establishment of new Service Station (including serving food and drink) and Shop (convenience store), that will operate seven (7) days/week, 5am - 10pm daily.

Proposal plans are included in Attachment C.

Specifically, the application states the particulars of the development will include:

- all existing structures and buildings will be demolished and removed from the subject site to allow for the construction of the service station and shop;
- light vehicle refuelling station and fuel canopy located toward the Eighth Avenue frontage and comprising eight (8) bowsers and fuel canopy covering an area of 372m<sup>2</sup>;
- larger vehicle refuelling station and fuel canopy located adjacent to the southern side boundary and comprising two (2) bowsers and a fuel canopy covering an area of 100m<sup>2</sup>;
- service station shop building (indicative only) comprising a gross floor area of 325m<sup>2</sup> and containing the service counter, shop component, food and drink services, sit down area and kitchen, noting the components of the building are separated between service station and shop, are approximately calculated as follows:
  1. Service Station with a Gross Floor Area (GFA) of 95m<sup>2</sup>;
  2. Shop with a GFA of 230m<sup>2</sup>;
  3. Building services located to the rear of the building with an area of 51m<sup>2</sup>;
- 25 on site carparks (including one (1) dedicated accessible space along the shop frontage), two (2) dedicated staff parks and 16 tandem carparks adjacent to the bowsers;
- individual one way access and egress points onto Eighth Avenue (Bruce Highway);
- a single access and egress onto Sixth Street;
- an enclosed refuse area located in the south-eastern corner of the subject land;
- acoustic fencing and treatment along the boundaries adjoining a sensitive use (residential dwelling);
- landscape treatments provided along the side boundaries and along the property frontages;
- two (2) underground fuel tanks adjacent to the light and larger vehicle refuelling areas;
- walkway and pedestrian facilities connecting the proposed service station building to the pedestrian network in Sixth Street; and a pylon sign located on the corner of Eighth Street and Sixth Street frontage displaying the fuel prices; and
- corporate advertising provided on the awning fascia of the fuel canopies, proposed service station shop and pylon signage.

Further the application states that it is anticipated that:

- all fuel tanker servicing and service deliveries will be undertaken between the hours of 7am to 6pm.
- there will be two (2) employees operating at the facility at any given time, however this may vary depending on specific operational requirements.

#### Definition of Proposed Use

The Planning Scheme defines the proposed use as both a Service Station and a Shop, as the shop component has a gross floor area greater than 100m<sup>2</sup> permitted to allow it to be an ancillary use to the Service Station use.

#### Service Station

*Premises used primarily for refuelling motor vehicles and including ancillary use of the premises for:*

- (a) retail sale of motoring requirements including motor fuels, lubricants, petroleum products, spare parts, tyres and motor vehicle accessories;*
- (b) retail sale of convenience shopping items and fast food, and the hire of a limited range of vehicles or trailers less than 1 tonne where the sales component does not exceed 100m<sup>2</sup> GFA; (c) repairing, maintenance and servicing of motor vehicles including facilities for the public to clean their own vehicles or cleaning service for a fee; and*
- (d) the preparation, sale and consumption of light meals to travellers where the "food component" does not exceed 30% of the gross floor area of the premises.*

*The term does not include "Restaurant", "Shop" or "Vehicle Repair Station".*

#### Shop

*Premises used for the sale by retail of goods and personal services, or the hiring out of goods for the personal use of patrons, such as medical and electrical equipment stored on the premises for that purpose. The term includes a video library. The term also includes the storage of goods and equipment necessary to the conduct of the use.*

*The term does not include "Commercial Premises", "Estate & Agency Office" or "Roadside Stall" as herein defined.*

#### Carparking

The development proposes:

- a service station with 10 bowzers in total.
- two (2) staff to be employed; and
- the total gross floor area for the development of 325m<sup>2</sup>.

Given this, a minimum of 38 spaces in total should be provided on site according to the requirements of the scheme provisions (i.e. 11 for the service station use and 25 spaces for the shop use).

However, the alternative solution put forward by the applicant is supported by a traffic impact assessment prepared by Lambert and Rehbein (which will form part of any approval) which provides the 25 spaces proposed is adequate for the uses as the service station will be the primary generator of vehicle trips to the site.

Council officers considered this report and its recommendation and believe the 25 spaces proposed can be accepted in this circumstance and location. Any approval will be appropriately conditioned to comply to ensure adequate parking spaces are provided on site supported by efficient access and manoeuvring areas, which are to be adequate for the proposed development.

### Subject Site and Surrounding Land Uses

A locality plan is provided at Attachment D. The subject site is three (3) regular shaped existing lots, totalling 3,945m<sup>2</sup> in area, with a relatively flat topography across the site.

The existing use of the subject land is an unoccupied shopping centre, fronting Eighth Avenue, with the remainder of the site vacant. Existing access is provided via Sixth Avenue.

The subject site is located in the southern extent of Home Hill. Residential dwellings are located directly adjoining the site to the east, with commercial type uses including a car wash facility and existing service station located in the immediate surrounds.

### Infrastructure and Servicing

The site is currently serviced by Council's reticulated infrastructure network for water and sewerage.

Both Council's water and sewer mains infrastructure traverse the property with a sewer manhole located along the eastern section of the site also.

As part of the subsequent Operation Works approval required, engineering reporting detailing the provisions for stormwater drainage, management and quality will need to be submitted to Council for review and approval.

A separate and stand alone, Build Over/Adjacent to the Sewer application will also be required to be submitted to Council for assessment and approval in accordance with Council's policy and requirements.

### Information Request - Council

Council's assessment of the application determined that additional information was required, and an information request was issued to the applicant on the 15 August 2022. The requested information included:

1. Water and Sewerage Infrastructure
2. Roadworks, Access and Carparking
3. Access, Parking and Traffic
4. Stormwater
5. Acid Sulfate Soils
6. Noise and Acoustic
7. Shop Fit Out
8. Environmental Management

The applicant responded to this request on the 20 October 2022.

### Information Request - NQSARA

The State's assessment of the application also determined that additional information was required, and an information request was issued to the applicant on the 16 August 2022, requesting a Flood Impact Assessment (FIA) report demonstrating that the proposed development does not result in a material worsening of flood impacts within Eighth Avenue and the state controlled road corridor.

The State then issued an Advice Notice requesting amended plans and a revised Traffic Impact Assessment (TIA) with respect to proposed access to Eighth Avenue (the state controlled road).

The applicant responded to the State on the 20 October 2022 and the 25 November 2022, providing amended proposal plans and further supporting correspondence for both the FIA and TIA matters.

### Public Notification

The applicant undertook Public Notification between 27 October 2022 - 17 November 2022, being a minimum period of at least 15 business days, in accordance with the relevant requirements of the *Planning Act 2016*.

Two (2) properly made submissions (refer Attachment E) were received during the notification period from:

- EL Webber and A Bojack - Concerned with overall height of acoustic fence and lighting nuisance to adjoining residents.
- B Gorizia and P Rubiolo - Concerned with refuse bin location, finished ground levels, exact location of boundary fencing and the need for another food franchise in Home Hill.

Council must consider all properly made submissions in the assessment process in accordance with the provisions of the Planning Act 2016 and the Development Assessment Rules and has recommended any approval be conditioned appropriately in terms of minimising effects upon the existing amenity of the area as a result of the development.

### Referral Agency Response

The application triggered referral to the North Queensland State Assessment and Referral Agency (NQSARA) as Concurrence Agency, under the *Planning Regulation 2017* for the following matters of State Interest:

- Material Change of Use for a Site near a State Controlled Road. The State issued their response on the 20 December 2022 (refer Attachment F), providing the following conditions to be attached to any development approval issued by Council:

#### **Decision (given under section 67 of TIA)**

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	(a) The permitted road access location is to be located generally in accordance with the following plan:  (i) Site & Floor Plan, prepared by TRG, dated May 2022, reference TP200 and revision D as amended in red.  (b) The Road Access Works must comprise a commercial vehicle crossing and be designed and constructed in accordance with the following:	At all times.

No.	Conditions of Approval	Condition Timing
	<ul style="list-style-type: none"> <li>(i) Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition;</li> <li>(ii) Manual of Uniform Traffic Control Devices (MUTCD); and</li> <li>(iii) Relevant Traffic and Road Use Manuals.</li> </ul>	
2	<p>To ensure the safety of pedestrians, bicycle riders and other path users, sight lines at the permitted road access location, must be provided and maintained so that drivers on the driveway are able to see approaching path users before their vehicle encroaches onto the path.</p> <p>The applicant can obtain further guidance on what is required from the Department of Transport and Main Roads' Treatment options to improve safety of pedestrians, bicycle riders and other path users at driveways, available at: <a href="https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Cycling-guidelines">https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Cycling-guidelines</a></p>	At all times.
3	<p>(a) Road works comprising line marking, must be provided generally in accordance with Site &amp; Floor Plan prepared by TRG, dated May 2022, reference TP200 and revision D as amended in red.</p> <p>(b) The road works must be designed and constructed in accordance with the following:</p> <ul style="list-style-type: none"> <li>(i) Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition;</li> <li>(ii) Manual of Uniform Traffic Control Devices (MUTCD);</li> <li>(iii) Relevant Traffic and Road Use Manuals.</li> </ul>	Prior to commencement of use
4	Direct access is prohibited between Eighth Avenue and lots 5, 6 and 7 on H61610 at any other location other than the permitted road access location described in Condition 1.	At all times.
5	The landowner shall be responsible for maintenance of the driveway between the property boundary and the edge of the bitumen as required to continue safe and efficient access between the permitted road access point and Eighth Avenue.	At all times

### Assessment Summary

Refer to Attachment G for the detailed assessment.

Based on the assessment of the development application, Council officers have determined that the proposed development can comply or can be conditioned to comply with the assessment benchmarks relevant to the assessment.

### **Consultation**

All relevant Council Departments have been consulted with comments and development conditions included as part of the recommendation.

The application was also workshopped with the Mayor and Councillors on 6 December 2022.

### **Budget & Resource Implications**

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



### **Legal Authority & Implications**

Council is required to deal with and assess the Development Application in the context of the *Planning Act 2016*, *North Queensland Regional Plan* and the *Burdekin Shire Council's IPA Planning Scheme*.

A potential risk is present in that any decision made by the Assessment Manager may attract an 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 assessment benchmarks relevant to this application and identifying conditions that should apply to the approval.

### **Attachments**

1. 1 Recommended Conditions
2. 2 Attachment B - Infrastruc
3. 3 Attachment C - Proposal Plans
4. 4 Attachment D - Locality Plan
5. 5 Att E Properly Made Submissions
6. 6 Att F - SARA Response
7. 7 Attachment G - Detailed Assessment

## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
<b>1 General and Administration</b> <u>Compliance with Conditions</u> <p>1.1 The Applicant (and any contractor, agent, employee or invitee of the applicant) is responsible for carrying out the approved development and ensuring compliance with this development approval, the conditions of the approval and the relevant requirements in accordance with:</p> <p>1.1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the relevant technical reports.</p> <p>1.1.2 The development must comply in full with all conditions of this approval, and is to be designed, constructed and maintained in accordance with relevant Planning Scheme requirements, Council policies, guidelines and standards (except as otherwise specified by any condition) to Council's satisfaction, and best practice engineering.</p> <p>1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) of the development approval will prevail.</p> <p>1.3 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation.</p> <u>Works – Applicant's Responsibility/Expense</u> <p>1.4 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met by the applicant, at no cost to the Council.</p> <p>1.5 The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately.</p> <u>Infrastructure Conditions</u> <p>1.6 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i>, should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.</p>		At all times.

## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
<b>2 Approved Plans and Documents</b> <u>Approved Plans &amp; Documents</u> 2.1 The proposed development and use of the site must be completed, comply with and maintained generally in accordance with drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval. 2.2 The development must generally accord with the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. 2.3 One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.	The approved development must be completed and maintained generally in accordance with the approved drawings and documents.	At all times.
<b>Approved Plans</b>		
<b>Drawing/Plan Title</b>	<b>Number/Issue</b>	<b>Date</b>
Trg – Cover Page	TP100, Revision 0	May 2022
Trg – Site and Floor Plan	TP200, Revision D	May 2022, updated 18 October 2022
Trg – Proposed Elevations	TP400, Revision 0	May 2022
Trg – Proposed Elevations	TP500, Revision 0	May 2022
Trg – Proposed Signage Plans	TP800, Revision 0	May 2022
Trg – Proposed Perspectives	TP900, Revision A	May 2022
<b>Associated Reports</b>		
Development Application prepared by Milford Planning Consultants, July 2022 and Further Information, 20 October 2022 and 25 November 2022.		

## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
Traffic Impact Assessment prepared by Lambert and Rehbein, Revision D, 04 July 2022 and Further Information, 24 November 2022.		
Conceptual Stormwater Management Plan prepared by Kehoe Myers, 15 July 2022 and updated 17 October 2022.		
Noise Impact Assessment prepared by SLR, October 2022		
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.		
<b>3 Outstanding charges</b> All rates and charges (including infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.		
<b>4 Operation of the Use/Limitations of the Approval</b> 4.1 This approval is limited to the 'Service Station' and 'Shop' uses as defined by Schedule 1, Division 2 – Defined Uses and Use Classes of <i>Burdekin Shire IPA Planning Scheme</i> . 4.2 Specifically the approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 2. 4.3 No other operations and/or activities are allowed other than that approved by this permit. 4.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant. 4.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting		
The development must comply with all planning scheme requirements and definitions as approved, and as conditioned by this development permit.		At all times.

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material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.		
<b>5 Amalgamation of Allotments</b> The amalgamation of Lots 5 - 7 on H61610 into a single parcel must be undertaken and the survey plan must be registered in accordance with the <i>Land Title Act 1994</i> or relevant legislation as amended.	<p>The development application identified multiple lots were required to allow the approved use to commence and operate.</p> <p>Accordingly, the amalgamation of the lots is required to support the proposed use.</p>	Prior to the commencement of the use.
<b>6 Hours of Operation</b> Unless otherwise agreed in writing by council, the activities associated with the use must only be conducted at the following times: <ul style="list-style-type: none"> <li>▪ Service Station: 5am – 10pm every day.</li> <li>▪ Deliveries (both Service Station and Shop supplies): 6am - 6pm every day.</li> <li>▪ Refuse Collection: 7am - 6pm, Weekdays only</li> </ul>	To ensure the development does not have a detrimental impact on the amenity of the surrounding land in accordance with relevant code/s and policy direction.	At all times following the commencement of the use.
<b>7 Environmental Health</b> <b>7.1 Vapour recovery</b> Stage 1 and 2 of the Vapour Recovery Systems (VR1) must be installed for all tanks used for the storage of flammable and/or combustible liquids on the site to return displaced vapour to the delivery vehicle during filling of the underground petroleum storage system. The Vapour Recovery System must be designed and installed in compliance with AS4897-2008 The design,	To ensure legislative compliance with Environmental Protection Act and relevant subordinate regulations and policies.	Technical details are to be submitted to Council as part of an application for Operational Work and maintained for the life of the development.

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<p>installation and operation of underground petroleum storage systems and the following:</p> <ul style="list-style-type: none"> <li>a) mixing of product must be prevented in pipework common to more than one tank</li> <li>b) (spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser</li> <li>c) the vapour recovery point must be located within 2 metres of the respective fill point.</li> </ul> <p>Certification must be submitted to Council from a suitably qualified person which certifies that the design, installation and operation of Vapour Recovery Systems is in accordance with this condition of approval.</p> <p><b>7.2 Underground petroleum storage system</b></p> <p>(a) The design, installation and operation of the site and associated underground petroleum product storage system must be in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. AS4897-2008 The design, installation and operation of underground petroleum storage systems, for an Equipment Level 1 Underground Petroleum Storage System</li> <li>ii. AS1940-2004 The storage and handling of flammable and combustible liquids for an Underground Petroleum Storage System.</li> </ul> <p>Certification must be submitted to Council from a suitably qualified person which certifies that the design, installation and operation of the site is in accordance with this condition of approval.</p>		<p>Prior to commencement of use and then to be maintained.</p>

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<p>(b) All inlets to bulk fuel storage tanks must be located to ensure that fuel delivery trucks can stand wholly within the site while discharging fuel.</p> <p>(c) The underground petroleum storage system must include an approved leak detection system that:</p> <ul style="list-style-type: none"> <li>i. can detect a leak from any portion of the underground storage system.</li> <li>ii. uses equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions.</li> <li>iii. is capable of detecting a leak at a rate of 0.76L per hour or more with at least 95% accuracy and a probability of false detection of 0.05 or less (United States Environmental Protection Agency (USEPA))</li> <li>iv. has been certified by an independent third party, consistent with the current USEPA protocols and system of verification (USEPA 1990, 40 CFR Part 280, Subpart D).</li> <li>v. Adequate procedures and measures (including an inventory control system) must be in place to monitor the storage volumes within chemical tanks to prevent overflow and to detect leaks and for the inspection and maintenance of environmental control measures, for example, bunding, wastewater containment devices, interceptors and acoustic enclosures.</li> </ul> <p><b>7.3 Fuel dispensing area</b></p> <ul style="list-style-type: none"> <li>a) All ground surfaces within the Fuel Dispensing Area (FDA) are to be constructed of impermeable materials free of gaps and/or cracks. Suitable materials include waterproofed, reinforced concrete or an approved equivalent.</li> <li>b) Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the demarcated areas.</li> </ul>		

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<ul style="list-style-type: none"> <li>c) A containment/interceptor device (with a minimum capacity 9,000 litres) and/or treatment system to remove hydrocarbon must be installed to capture runoff from the covered forecourt areas around all fuel dispensing pumps.</li> <li>d) The tanker vehicle refuelling area must be designed so that any spillage from the tanker will drain to a containment /interceptor device (with a minimum capacity 9,000 litres).</li> <li>e) Wastewater must be removed off site by a suitably qualified person under the Environmental Protection Act 1994 or discharged in accordance with Council's Waste Policy and the Environmental Protection (Water) Policy 2009.</li> <li>f) The stormwater drainage and treatment system must include a manual redirection and shut-off valve located prior to the stormwater discharge points. In the event of a major spillage or emergency event where fire water is used, the waste liquid must be directed back to the minimum 9,000 Litre containment/interceptor device, for collection and later disposal.</li> <li>g) All fuel dispensing areas (FDA) must be covered. A demarcation line is to be line marked on the drip line of the canopies.</li> <li>h) Operational plan should specify the size and certification for the efficiency of the collection system for preventing overflow.</li> <li>i) Submit to Council, certification by a suitably qualified person that the system has been installed in accordance with Development Approval conditions.</li> <li>j) All bunding must be constructed of materials which are impervious to the materials stored. The net capacity of the bunded compound shall be no less than the capacity of the largest tank or package plus 25%</li> </ul>		



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Condition	Reason	Timing
<p>of the storage capacity up to 10,000L together with 10% of the storage capacity above 10,000L.</p> <p><b>7.4 Contaminants/Hazardous chemicals</b></p> <ul style="list-style-type: none"> <li>a) All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five per cent (25%) of the total storage capacity</li> <li>b) An incidents register must be kept at the premises and it must record               <ul style="list-style-type: none"> <li>a) any incidents including but not limited to:                   <ul style="list-style-type: none"> <li>any fire at the premises; and</li> <li>b) any release of contaminants not in accordance with the development approval conditions.</li> </ul> </li> </ul> </li> <li>c) An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:               <ul style="list-style-type: none"> <li>i. a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;</li> <li>ii. a broom, shovel, face shield,</li> <li>iii. chemically-resistant boots and gloves;</li> <li>iv. and waste bags and ties.</li> </ul> </li> <li>d) Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.</li> </ul>		

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Condition	Reason	Timing
<ul style="list-style-type: none"> <li>e) Contaminants or contaminated water must not be directly or indirectly released to surface water or groundwater at or outside the site except for:               <ul style="list-style-type: none"> <li>i. uncontaminated overland stormwater flow, or</li> <li>ii. uncontaminated stormwater to the stormwater system.</li> </ul> </li> <li>f) Fuels, oils, chemicals and similar materials must be stored in bunded and covered areas or otherwise stored in a manner whereby any spillage is not subject to stormwater or stormwater runoff.</li> <li>g) Forecourts, carparking areas and driveways must not be hosed or washed to allow the release of contaminants to stormwater or into roadside gutters.</li> <li>h) Any interceptor tank installed for the purpose of collecting wastewater must be maintained to ensure that there is no possibility of overflow or spillage into stormwater.</li> <li>i) Rainfall and stormwater runoff which may contact wastes or contaminants on the site must not be released to any stormwater drain, roadside gutter or waters.</li> </ul>		
<b>8 Environmental Management</b> 8.1 An Environmental Management Plan prepared by a suitably authorised person is to be submitted to Council for assessment and approval, prior to the commencement of any works. 8.2 Prior to commencement of any work on the site, the applicant must submit to Council for approval, a site-based Erosion Prevention and Sediment Control Plan for the site. 8.3 The plan must be prepared in accordance with Best Practice Erosion & Sediment Control – November 2008 (IECA White Book).	To manage and to minimise the risk of causing environmental harm and to ensure adequate control measures are in place.	<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> <li>ii. Works to be completed prior to the commencement of the use.</li> <li>iii. To be maintained for the life of the development.</li> </ul>

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Condition	Reason	Timing
<p>8.4 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).</p> <p>8.5 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.</p> <p>8.6 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.</p> <p>8.7 Where potential or actual environmental harm may be caused by the approved development, Council may at any time direct the Applicant, or persons acting on behalf of the Applicant, to:</p> <ul style="list-style-type: none"> <li>• cease an activity</li> <li>• implement appropriate impact control measures</li> <li>• modify work plans or methods.</li> </ul>		
<p><b>9 Site Management</b></p> <p>9.1 Provide a Site Based Management Plan that addresses/details at a minimum for all works occurring pre, during and post construction works; on-going site activities; cessation of use, as follows: <u>Pre and during construction and on-going site activities:</u></p> <ul style="list-style-type: none"> <li>• Site establishment activities and works on site proposed.</li> </ul>	<p>i. To manage and to minimise disruption to the local Community and users of the site and construction workers while works are occurring and for the life of</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work</p>

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Condition	Reason	Timing
<ul style="list-style-type: none"> <li>Access arrangements.</li> <li>On site movement and activities including parking.</li> <li>All infrastructure and servicing existing on site and all existing public utilities, services and Council assets.</li> <li>Material storage on site.</li> <li>Stockpiling of materials on site.</li> <li>Emergency response procedures for fuel spills</li> <li>Storage of hazardous materials</li> <li>Waste management</li> </ul> <p>9.2 Provide a professionally prepared erosion and sediment control plan for the proposed earthworks that includes stormwater management and sediment controls during and post construction, for approval by Council and installed and maintained to the satisfaction of Council.</p>	<p>the development and at the cessation of the use.</p> <p>ii 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.</p>	<p>ii. At all times during the construction phase.</p> <p>iii. Maintained for the life of the development.</p>
<p><b>10 Noise Management - Acoustic Control Measures</b></p> <p>10.1 The developer must implement all the proposed mitigation measures of the Noise Impact Assessment prepared by SLR dated 14 October 2022, including (but not limited to) the following mitigation measures:</p> <ol style="list-style-type: none"> <li>A 10 km/h speed limit is set for vehicle movements.</li> <li>The trafficable surfaces are to be of a 'low- squeal' compound. Asphalt, plain concrete or textured surfaces are expected to satisfy this requirement. Polished concrete or high gloss painted surfaces are not permitted.</li> <li>Metal grates and manhole covers to be well fixed to avoid rattling.</li> <li>Appropriate signage to be installed to assist with management of the following operational factors: <ol style="list-style-type: none"> <li>Truck movement paths are to prevent excessive reversing activities (which</li> </ol> </li> </ol>	<p>To ensure that the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the <i>Environmental Protection Act 1994</i> Section 440.</p>	<ol style="list-style-type: none"> <li>Technical details are to be submitted to Council as part of an application for Operational Work.</li> <li>Works to be completed prior to the commencement of the use.</li> <li>To be maintained during the operation and life of the development.</li> </ol>

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<p>typically involve beepers and air brakes) . For noise sources that require regular reversing activities, signage is to indicate audible reversing sensors must be disabled whilst on site.</p> <p>ii. Excessive idling of vehicles be avoided. Signage to this effect to be installed .</p> <p>e) Under the proposed barrier heights conditioned in Figure 4, the Soffit of the diesel canopy must be of perforated aluminium finish over insulation to control noise build up due to reflection from canopy .</p> <p>f) An acoustic barrier of height and extent specified in Figure 4 forms the basis of this assessment; therefore, it <u>must</u> be constructed on the specified site boundaries and surrounding the refuse collection area site boundaries for the development. Barrier heights to be measured from the finished ground level of the development. It is required that the acoustic barrier be impervious from the ground to the recommended height and contain no gaps that would allow the passage of sound. Minimum surface density is 12.5 kg/m<sup>2</sup>. Suitable materials include, but are not limited to, 25 mm lapped and capped pine palings , 9 mm fibrous cement sheeting, or 75 mm thick Hebel. Moreton Bay Regional Council standard drawings SF-1520 and Brisbane City Council standard drawings BSD-7021 are provided for reference.</p> <p>g) Should the adjoining commercial building be demolished in the future, the acoustic fence taper is to be removed and replaced with a full height 2.4 m acoustic fence, consistent with the barrier design on the remainder of this site boundary .</p> <p>h) Mechanical plant located at the rear of the shop should be acoustically treated if the combined sound power level exceeds the 76 dBA level nominated in Section 5.2.</p>		

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Condition	Reason	Timing
<p>i) Operating hours limited to 5am-10pm. Additional acoustic assessment is required should these operating hours be proposed to be extended in the future.</p> <p>j) Bulk refuelling tanker deliveries are limited to between 7am and 7pm. Servicing and deliveries including refuse collection are limited to between 6am and 6pm.</p> <p>k) The automatic tyre inflator must incorporate one of the three following noise measures:  Option 1 – Tonal Beeper – Noise level of tonal beeper must be limited to no more than 79 dB(A) measured at 1m and the beeper should emit only a single beep, as opposed to repeated beeps; or  Option 2 – Non-tonal (broadband) beeper – Noise level of non-tonal (broadband) beeper must be limited to no more than 84 dB(A) measured at 1m and the beeper should emit only a single beep, as opposed to repeated beeps. The allowable noise level for the non-tonal alarm is 5 dB(A) higher than the tonal alarm, as the non-tonal alarm eliminates the 5 dB(A) tonality penalty; or  Option 3 – Visual alarm – Use a visual alarm (e.g., flashing light) instead of an audible beeper.</p> <p>l) Upon commencement of use provide evidence of compliance of one of the above options prepared by a suitably qualified person.</p>		
<p><b>11 Acoustic Control Measures – Post Construction Certification</b></p> <p>11.1 The developer must submit to council a post construction certification, one month following commencement of use, demonstrating that the recommendations of the Noise Impact Assessment prepared by SLR outlined in <b>Condition 10</b> of this approval, have been achieved.</p>	<p>To ensure that acoustic quality objectives of the <i>Environmental Protection (Noise) Policy</i> and the recommendations of the Noise Impact Assessment prepared by</p>	<p>Technical details are to be submitted to council within <b>one (1) month</b> from the commencement of the use.</p>

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Condition	Reason	Timing
<p>11.2 Certification must be provided by a suitably qualified acoustic consultant.</p> <p>11.3 Should the Post Construction Certification demonstrate that the development is not operating in accordance with the conditions, Council may commence enforcement action, until such time as compliance is demonstrated.</p>	<p>SLR dated 14 October 2022, have been effectively implemented/installed.</p>	
<p><b>12 Noise Management - General</b></p> <p>12.1 The proposed activity must be conducted in a manner that applies such reasonable and practicable means to avoid, minimise or manage the emission or likelihood of emission of noise that constitutes an intrusive or noise nuisance.</p> <p>12.2 In the event of a complaint being received by Council in relation to noise associated with the use that is considered reasonable, the emission of noise from the development must not result in levels greater than 5dB Leq above background noise at the sensitive receptor.</p> <p>12.3 If required, the developer/operator must engage a suitably qualified acoustic consultant to undertake an assessment addressing noise emanating from the site for this use in accordance with the provisions of the <i>Environmental Protection Act 1994</i>, <i>Environmental Protection (Noise) Policy 2019</i>, <i>Environmental Protection Regulation 2019</i> and Australian Standard AS 1055 Acoustics to the satisfaction of the Burdekin Shire Council.</p> <p>12.4 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of noise attenuation measures. The developer/operator must provide a copy of the report to Council and</p>	<p>To ensure the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>At all times during operation, for the life of the development.</p>

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undertake any works (if required from the report) within 3 months at no cost to Council.		
<b>13 Air</b> No release of contaminants, including but not limited to dust, fumes, odour or aerosols are to cause or be likely to cause an environmental nuisance beyond the boundaries of the premises to which this development permit relates.	To ensure use does not cause environmental 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 <i>Environmental Protection Act 1994</i> .	At all times during operation, for the life of the development.
<b>14 Odour Management</b> 14.1 Implement odour control measures during the operation and life of the development to prevent an environmental nuisance from affecting nearby sensitive receptors. 14.2 In the event of a complaint being received by Council in relation to odour associated with the use that is considered reasonable, the developer/ operator must engage a suitably qualified consultant to undertake an assessment addressing odour emanating from the site for this use in accordance with the provisions of the <i>Environmental Protection Act 1994</i> . 14.3 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of odour attenuation measures. The developer/operator must provide a copy of the report to Council and undertake any works (if required from the report) within 3 months at no cost to Council.	To ensure that the use does not cause an odour nuisance to nearby sensitive receptors, in accordance with the <i>Environmental Protection Act 1994</i> .	During the operation and life of the development.



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Condition	Reason	Timing
<p><b>15 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>All illuminated signage must be turned off when the facility is closed.</p> <p>Note: Australian Standard 4282 to be checked at time of condition to ensure it is current, in terms of year of revision.</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 <i>Environmental Protection Act 1994</i>.</p>	<p>Prior to commencement of the use and to be maintained for the life of the development.</p>
<p><b>16 Acid Sulfate Soils Management</b></p> <p>16.1 Should the soil and groundwater investigations reveal the presence of acid sulfate soils or potential acid sulfate soils, an Acid Sulfate Soils Management Plan must be prepared and submitted to Council for approval.</p>	<p>To ensure potential adverse impacts on the natural and built environment including infrastructure and human health as a result of acid sulfate soils are avoided in accordance with relevant legislation, code/s and policy direction.</p>	<p>If required, technical details are to be submitted to council as part of an application for Operational Work.</p>
<p><b>17 Refuse Facilities and Waste Management</b></p> <p>17.1 Refuse collection arrangements must be provided by the developer to the satisfaction of Council.</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> </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. Technical details are to be submitted to Council as part of an application for Operational Work.</li> <li>ii. Works to be completed prior to the commencement of the use.</li> <li>iii. To be maintained during the operation and life of the development.</li> </ul>

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Condition	Reason	Timing
<p>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.</p> <p>17.2 All waste is to be disposed of in accordance with the <i>Environmental Protection Regulation 2019</i> and Council's waste management policy.</p> <p>17.3 Waste and recycling services must be provided in accordance with Council's Waste Management Policy.</p> <p>17.4 Wastewater and solid waste shall not be released to stormwater, groundwater, waterbodies or onto the ground.</p> <p>17.5 Wastewater from the Oil Water Solid Separator must be disposed of into the on-site treatment and disposal system.</p> <p>17.6 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.</p> <p>17.7 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.</p> <p>17.8 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:</p> <ul style="list-style-type: none"> <li>a) the date, quantity and type of waste removed;</li> <li>b) a copy of any licensed waste transport vehicle dockets;</li> <li>c) the name of the licensed regulated waste removalist and/or disposal operator; and</li> <li>d) the intended treatment and/or disposal destination of the waste.</li> </ul> <p>These records must be available for inspection by Council when requested.</p>		
<b>18 Car Parking, Access, Roadworks and Traffic</b>		

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Condition	Reason	Timing
<p>18.1 A minimum of twenty-four (25) car parks to be provided on site including:</p> <ul style="list-style-type: none"> <li>i. A minimum of two (2) dedicated accessible spaces in accordance with the requirements of the <i>Building Act 1975</i>;</li> <li>ii. a minimum two (2) dedicated staff car parking spaces; and</li> <li>iii. sixteen (16) tandem spaces adjacent to the petrol bowsers.</li> </ul> <p>18.2 No parking associated with the development is permitted off street or on Council's Road reserve.</p> <p>18.3 Parking layouts must be generally in accordance with the provisions contained in the supporting material included in the plans submitted with the application by 'trg'.</p> <p>18.4 All On-site parking must be designed in accordance with Australian Standard AS2890.1 (Off-street Parking) and certified by an RPEQ.</p> <p>18.5 All car parking facilities must be always maintained to a safe operating standard thereafter.</p> <p>18.6 All vehicles must enter and exit the site in a forward direction.</p> <p>18.7 There must be appropriate signage and pavement marking to delineate the direction of traffic entering and exiting the site. All pavement marking must be in accordance with the MUTCD and to the satisfaction of the Council.</p> <p>18.8 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>18.9 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.</p>	<p>To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.</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> <li>ii. Works to be completed prior to the commencement of the use.</li> <li>iii. To be maintained during the operation and life of the development.</li> </ul>

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Condition	Reason	Timing
<b>19 Street Enhancements</b> <u>Pedestrian Pathway</u> 19.1 The applicant must, at no cost to Council: 19.2 Replace the existing paved footpath with full width concrete footpath located within the road reserve along the Eighth Avenue (Bruce Highway) frontage for the entire length of the development site in accordance with Council's requirements and the relevant standards. 19.3 Design and construct a new minimum 1.5m wide concrete footpath along the Sixth Street frontage for the remaining length of the development site in accordance with Council's requirements and the relevant standards. 19.4 The pedestrian pathway design and location must be detailed as part the required Operational Works application. 19.5 Construct and maintain the footpath at no cost to Council until the asset is accepted 'off maintenance' in accordance with Council's requirements and to the satisfaction of the Chief Executive Officer.	To achieve the desired streetscape character of the location in accordance with the relevant code/s and policy direction.	i. Technical details are to be submitted to Council as part of an application for Operational Work.  ii. Works to be completed prior to the commencement of the use.  iii. To be maintained during the operation and life of the development.
<b>20 Sewerage Supply</b> 20.1 The development must be connected to Council's sewerage network. 20.2 Submit for the approval of development assessment engineering drawings for sewer infrastructure, certified by a Registered Professional Engineer Queensland (RPEQ) and in accordance with Council's requirements and all other relevant standards and policies. 20.3 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.	To ensure that the development is appropriately serviced by reticulated sewer infrastructure in accordance with relevant code/s and policy direction.	i. Technical details are to be submitted to Council as part of an application for Operational Work.  ii. Works to be completed prior to the commencement of the use.  iii. To be maintained during the operation and life of the development.

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Condition	Reason	Timing
20.4 Sewer manhole must be raised or otherwise constructed to avoid infiltration by stormwater. 20.5 Sewer manhole to be of correct classification for design traffic loads. 20.6 Inspection openings on sewer connection points must be raised to surface and trafficable.		
<b>21 Build over sewer/Adjacent to Services</b> 21.1 All structures are to be built in accordance with Council's "Erection of Structures Over or Adjacent to Sewers or Water Mains Policy".	To ensure development is appropriately constructed in accordance with relevant code/s and policy direction.	i. Technical details are to be submitted to Council as part of an application for Operational Work.  ii. Works to be completed prior to the commencement of the use.  iii. To be maintained during the operation and life of the development.
<b>22 Water Supply</b> 22.1 The development must connect to council's reticulated water system. 22.2 Submit for the approval of development assessment engineering drawings for water infrastructure, certified by a RPEQ and in accordance with Council's requirements and all other relevant standards and policies. 22.3 Design, construct and maintain all water works in accordance with the approved drawings, documents, relevant Council policies, guidelines	To ensure that the development is appropriately serviced by reticulated water infrastructure in accordance with relevant code/s and policy direction.	i. Technical details are to be submitted to Council as part of an application for Operational Work.  ii. Works to be completed prior to the commencement of the use.

## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
<p>and standards and the provisions of a development permit for Operational Works for Engineering Work – Water.</p> <p>23.4 The existing 100.0mm diameter water main must be relocated to an alignment 1.2m from the rear boundary and constructed with DICL pipe or other alternative approved by the Chief Executive Officer.</p> <p>23.3 The relocated water main is to be centrally located with an easement in favour of Council.</p> <p>23.4 Council will not be responsible for any damage to the concrete within the easement caused by the water main or associated water main works.</p> <p>23.5 Provide sufficient on-site storage for firefighting purposes adequate to service the needs of the ultimate development.</p>		<p>iii. To be maintained during the operation and life of the development.</p>
<p><b>24 Stormwater and Flooding</b></p> <p>24.1 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.</p> <p>24.2 Submit for approval, development assessment engineering drawings for stormwater drainage infrastructure, certified by a Registered Professional Engineer Queensland (RPEQ) and in accordance with Council's requirements and all other relevant standards and policies.</p> <p>24.3 Any increased stormwater discharge onto Sixth Street must be catered for by underground drainage with RPEQ certification that no downstream properties will be adversely affected.</p>	<p>i. To ensure the premises appropriately manages and conveys stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.</p> <p>ii. To ensure the development is appropriately immune from flood water and that existing landowners and/or users are not adversely affected by waterway flooding for all events up to and</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work</p> <p>ii. Works to be completed and documentation signed by a RPEQ including certification that the development will not cause adverse effects to adjoining or downstream properties or infrastructure as a result of flooding impacts must</p>

## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
<p>24.4 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.</p> <p>24.5 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p> <p>24.6 Stormwater drainage from paved/sealed and roofed 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 the Chief Executive Officer.</p> <p>24.7 The approved development must achieve the applicable stormwater management design objectives listed in Part G, Appendix 2 of the <i>State Planning Policy, July 2017</i>.</p>	including Q100, in accordance with relevant code/s and policy direction.	<p>be submitted before the commencement of the use.</p> <p>iii. To be maintained for the life of the development.</p>
<p><b>25 Engineers Certification</b></p> <p>Form 12 required to be submitted and certified by an RPEQ stating all the civil works have been constructed in accordance with the supplied drawings and WSAA standards.</p>		<p>i. Civil works to be completed and documentation signed by a RPEQ must be submitted before the commencement of the use.</p> <p>ii. To be maintained for the life of the development</p>
<p><b>26 Landscaping and Fencing provisions</b></p> <p>26.1 Provide along all street/road frontages, excepting pedestrian and vehicle access points and sight splay areas nominated in the Referral Agency Response:</p> <p>a) a minimum 2.0m wide landscaping strip planted with suitable plant species in accordance with Council's Policy.</p>	<p>To ensure the development:</p> <p>(i) addresses privacy requirements for users;</p> <p>(ii) softens the visual impact of the development;</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work</p> <p>ii. Works to be completed before the commencement of the use.</p>

## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
<p>26.2 Provide along all property boundaries adjoining residential and/or other uses:</p> <p>a) a minimum 2.0m wide landscaping strip planted with suitable plant species in accordance with Council's Policy for the entire length of these boundaries, located internally adjacent to the boundary fencing.</p> <p>26.3 The applicant shall submit, with the Operational Works application, a Landscaping Plan for the site. To guide species selection, the landscaping plan shall be in accordance with Council's Plant and Trees list. Plant species list and must avoid any weeds species.</p> <p>26.4 Before the use starts or by such later date as is approved by council, the landscaping works shown on the endorsed plans must be carried out and completed. The landscaping shown on the endorsed plans must be maintained to including that any dead, diseased or damaged plants are to be replaced.</p> <p>26.5 Acoustic fencing is to be designed, located and constructed strictly in accordance with the requirements of the Noise Impact Assessment prepared by SLR.</p> <p>26.6 The type and design of all other fencing proposed on site must be submitted and approved by the Chief Executive Officer as part of the Landscaping Plan.</p> <p>26.7 Landscaping and irrigation and/or screen fencing 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>(iii) complements or enhances the existing streetscape;</p> <p>(iv) does not have a detrimental effect on the amenity of the surrounding land; and</p> <p>(v) addresses Crime Prevention through Environmental Design principles in accordance with the relevant code/s and policy direction of Council.</p>	<p>iii. To be maintained for the life of the development.</p>
<b>27 Building Materials</b>		



## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
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>28 Screening of Plant and Utilities</b> 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 area 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>29 Signage</b> 29.1 Any signage to be associated with the use must be designed to the satisfaction of Council. 29.2 To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.	To maintain amenity for the adjoining properties.	Prior to the commencement of the use.
<b>30 Electricity and Communications</b> Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.		
<b>31 Property Numbering</b> 31.1 Legible property numbers must be erected at the premises and must be maintained. 31.2 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>32 Storage</b>		

## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
<p>32.1 Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.</p> <p>32.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>32.3 Any storage on site is required to be screened from view from all roads and adjacent properties.</p>	To ensure the development does not have a detrimental effect on the visual amenity of the surrounding area in accordance with relevant code/s and policy direction.	At all times following the commencement of the use.
<p><b>33 Commencement of Construction Works</b></p> <p>Council must be notified in writing of the proposed construction commencement date via <a href="mailto:Planning@burdekin.qld.gov.au">Planning@burdekin.qld.gov.au</a></p>	To ensure Council is appropriately informed of construction works commencing.	At least two (2) weeks prior to commencement of works.
<p><b>34 Notice of Intention to Commence the Use</b></p> <p>Prior to the commencement of the use on the land subject to the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.</p>	To ensure Council is appropriately informed of that the use commencing and that all conditions of the relevant development permits have been complied with.	Prior to the commencement of the use.

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 that provide access to the development as a result of increased vehicles numbers accessing the site.</p>
<p><b>3. Further Approvals Required</b></p>

## Attachment A – Recommended Conditions of Approval

### **a) Operational Work**

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 Building Works, unless otherwise approved by Council:

Condition 17 - Refuse Facilities and Waste Management

Condition 18 – Car Parking, Access, Roadworks and Traffic

Condition 20 – Sewerage Supply

Condition 21 – Build over sewer/Adjacent to Services

Condition 22 – Water Supply

Condition 24 - Stormwater and Flooding

All plans, reporting and documentation associated with these further approvals must be prepared by a suitably qualified professional.

### **b) Plumbing and Drainage Works.**

A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.

### **c) Building Works**

A Development Permit for Building Works to carry out building works prior to works commencing on site.

### **d) Road Works Permit**

A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.

## **4 Further Inspections Required**

Compliance with Conditions

The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.

Condition 26 – Landscaping and Fencing provisions

Condition 27 - Building Materials

Condition 28 - Screening of Plant and Utilities

Condition 31 - Property Numbering

Condition 32 - Storage

## **5 Shop Fit Out**

## Attachment A – Recommended Conditions of Approval

Prior to any fit out of the intended food premises, an application for food licence including details on the fit out of the premises must be submitted to council's Environmental Health Services. No fit out or construction may take place before approval is granted. A food premise is anywhere food or beverages are prepared, packed, stored, handled, serviced, supplied or delivered for sale.

### 6 Amenity Impacts

Use of the site is to be operated in a way that protects the values of the existing environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting, in accordance with the *Environmental Protection Act 1994*

### 7 Environmental Health – Construction Phase

To ensure compliance with the *Environmental Protection Act 1994*:

- a) Do not undertake any construction work during the following hours:
  - i. on a Sunday or public holiday, at any time; or
  - ii. on a Saturday or business day, before 6.30 am or after 6.30 pm. unless otherwise approved in writing by Council.
- b) Remove any spills of soil or other material from the road or gutter immediately during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.
- c) Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways.
- d) Confine dust and other emissions, such as fumes, sediments, light, or odour from the building work on site and take all reasonable steps to prevent a release to neighbouring properties.
- e) Contain all litter, building waste and sediments on the building site by the use of a skip and take any other reasonable steps during construction to prevent release to a neighbouring property or road.
- f) Carry out construction activities in accordance with the approved Construction Management Plan.
- g) Implement drainage, erosion and sediment control measures and maintain them in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Stormwater must not be contaminated by erosion and sediment runoff.
- h) Dispose of building construction and demolition waste only at an approved waste disposal facility.
- i) 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.

### 8 General Safety of Public During Construction

## Attachment A – Recommended Conditions of Approval

<p>a) It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.</p> <p>b) It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.</p> <p>c) It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.</p>
<p><b>9 Storage of Materials and Machinery</b> 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 Asbestos</b> All asbestos removed from the site must be handled, transported and disposed of in accordance with the relevant legislation.</p>
<p><b>12 Trade Waste Approval/Agreement</b> The developer is advised that a Trade Waste Approval/Agreement may be required under the <i>Water Supply (Safety and Reliability) Act 2008</i>.</p>
<p><b>13 Plant and Utilities Noise</b> 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"> <li>▪ 5dB(A) above background level between the times of 7am to 10pm; and</li> <li>▪ 3 dB(A) above background level between the times of 10pm to 7am.</li> </ul>
<p><b>14 Flammable and Combustible Liquids</b> Flammable and combustible liquids are to be stored and handled in accordance with AS 1940 The Storage and Handling of Flammable and Combustible Liquids.</p>
<p><b>15 Chemical Storage</b> Where chemicals are stored or handled on site, the storage and handling of chemicals must be in accordance with the relevant WHS Code of Practice.</p>
<p><b>16 Clearance to Structure (Ergon Energy)</b> The development site may be within 5m of an overhead powerline owned by Ergon Energy. There are strict legal and safety requirements for any buildings</p>

## Attachment A – Recommended Conditions of Approval

near an overhead powerline. Please contact Ergon Energy for safety advice on 13 74 66 or search for 'safety advice' on the Ergon Energy website and make an application if structures or works are proposed or if any person, plant or equipment will come within 5m of an existing line. To avoid building delays, it is advised you contact Ergon Energy early.

### **17 Shadowing**

No building element or structure including roof top plant is to cause a shadow to be cast over any adjacent residential allotments between 9am and 3pm on the 22 June.

### **18 Miscellaneous**

- a) If any item of cultural heritage is identified during site works, all work must cease, and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.  
The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)
- b) All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted outside the site, on road reserves or adjoining land unless written permission from the owner of that land and Council is provided.
- c) It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

## **Referral Agency Conditions**

### **Concurrence Agency Conditions – State Assessment and Referral Agency (NQSARA)**

Pursuant to Section 56 of the *Planning Act 2016*, the NQSARA advises that it has no objection to Burdekin Shire Council issuing a Development Permit for Material Change of Use, subject to the conditions, as attached.

## INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

**APPLICANT:** Bayaway Pty Ltd

**APPLICATION:** Material Change of Use for Service Station and a Shop

**Notice Number:** ICN2023-002

**DATE:** 14 February 2023

**FILE REFERENCE:** MCU22/0014

**AMOUNT OF THE LEVIED CHARGE:** \$52,090.00 Total  
(Details of how these charges were calculated are shown overleaf)

\$0.00	Water Supply Network
\$0.00	Sewerage Network
\$0.00	Transport Network
\$0.00	Public Parks and Community Land Network
\$52,090.00	Stormwater Network

**AUTOMATIC INCREASE OF LEVIED CHARGE:** The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.

**LAND TO WHICH CHARGE APPLIES:** Lots 5,6 and 7 on H61610

**SITE ADDRESS:** 39-49 Eighth Avenue, Home Hill

**PAYABLE TO:** **Burdekin Shire Council**

**WHEN PAYABLE:** Material Change of Use – When the use commences  
(In accordance with the timing stated in Section 122 of the Planning Act 2016)

**OFFSETS OR REFUNDS:** Not Applicable.

This charge is made in accordance with Council's **Charges Resolution (No. 2) 2018**

## DETAILS OF CALCULATION

### Water Supply

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail)	325m <sup>2</sup>	\$ per m <sup>2</sup> GFA	\$18.00	CR Table 2.2	\$5,850.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Buildings	941m <sup>2</sup>	\$ per m <sup>2</sup> GFA	\$18.00	CR Table 2.2	\$16,938.00

### Sewerage

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail)	325m <sup>2</sup>	\$ per m <sup>2</sup> GFA	\$18.00	CR Table 2.2	\$5,850.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Buildings	941m <sup>2</sup>	\$ per m <sup>2</sup> GFA	\$18.00	CR Table 2.2	\$16,938.00

### Transport

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail)	325m <sup>2</sup>	\$ per m <sup>2</sup> GFA	\$19.00	CR Table 2.2	\$6,175.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Building	941m <sup>2</sup>	\$ per m <sup>2</sup> GFA	\$19.00	CR Table 2.2	\$17,879.00



## Stormwater

### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail)	5,209m <sup>2</sup>	\$ per impervious m <sup>2</sup>	\$10.00	CR Table 2.2	\$52,090.00

### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing impervious	0m <sup>2</sup>	\$ per impervious m <sup>2</sup>	\$10.00	CR Table 2.2	\$0.00

### Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
Commercial - Retail	\$0.00	\$0.00	\$0.00	\$0.00	\$52,090.00	\$52,090.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$52,090.00</b>	<b>\$52,090.00</b>

*\* In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at Council's discretion.*

Yours faithfully

**Kellie Galletta**

**MANAGER PLANNING AND DEVELOPMENT**

## INFORMATION NOTICE

<b>Authority and Reasons for Charge</b>	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
<b>Appeals</b>	Pursuant to section 229 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
<b>Automatic Increase Provision of charge rate (\$)</b>	<p>An infrastructure charge levied by Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI Index applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI Index average<sup>1</sup>. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.</p>
<b>GST</b>	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2009</i> are GST exempt.
<b>To whom the charge must be paid</b>	<p>Payment of the Charge must be made payable to BURDEKIN SHIRE COUNCIL, PO Box 974, Ayr, Qld 4807.</p> <p>The Infrastructure Charge has been calculated in accordance with the charges stated in Council's Charges Resolution. This notice will be escalated to time of payment to the extent permitted under legislation in force at that time.</p>

<sup>1</sup> 3-yearly PPI index average is defined in section 114 of the *Planning Act 2016* and means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

It is requested that you contact Council's Town Planning Department to confirm that amount payable prior to making payment.

**Payment**

This notice is due and payable by the due time shown. Cheques, money orders or postal notes should be made payable to BURDEKIN SHIRE COUNCIL and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

**Overseas Payees**

Please forward your infrastructure charges payment by way of a bank draft for the required amount in Australian dollars.

**Method of Payment****PAYMENT BY MAIL**

Confirm the current Infrastructure Charge applicable and obtain an updated payment notice from Council's Town Planning Department.

Mail this updated payment notice immediately with your payment to: BURDEKIN SHIRE COUNCIL, PO Box 974, Ayr, Qld 4807.

**NOTE:** Cheques must be made payable to BURDEKIN SHIRE COUNCIL

**PAYMENT AT COUNCIL OFFICES**

Confirm the current Infrastructure Charge applicable.

Present written confirmation of charges with your payment to Burdekin Shire Council Chambers, 145 Young Street, Ayr.

**NOTE:** Cheques must be made payable to BURDEKIN SHIRE COUNCIL

**PAYMENT MADE BY CREDIT CARD**

Credit Cards accepted: Mastercard or Visa

**Enquiries**

Enquiries regarding this Infrastructure Charges Notice should be directed to the BURDEKIN SHIRE COUNCIL, Town Planning Department, during office hours, Monday to Friday by phoning (07) 4783 9800 or email at [planning@burdekin.qld.gov.au](mailto:planning@burdekin.qld.gov.au)

## Schedule 1 Appeals

section 229

### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - (i) in relation to a matter under paragraphs (a) to (g); or
    - (ii) under the Plumbing and Drainage Act; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
  - (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—  
*storey* see the Building Code, part A1.1.

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds –</p> <ol style="list-style-type: none"> <li>(a) The notice involved an error relating to –           <ol style="list-style-type: none"> <li>i) The application of the relevant adopted charge; or</li> </ol> </li> </ol> <p><i>Examples of errors in applying an adopted charge –</i></p> <ul style="list-style-type: none"> <li>• The incorrect application of gross floor area for a non-residential development</li> <li>• Applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <ol style="list-style-type: none"> <li>ii) The working out of extra demand, for section 120; or</li> <li>iii) An offset or refund; or</li> </ol> <ol style="list-style-type: none"> <li>(b) There was no decision about an offset or refund; or</li> <li>(c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</li> <li>(d) For an appeal to the P&amp;E Court – the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</li> </ol>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-

[illegible]



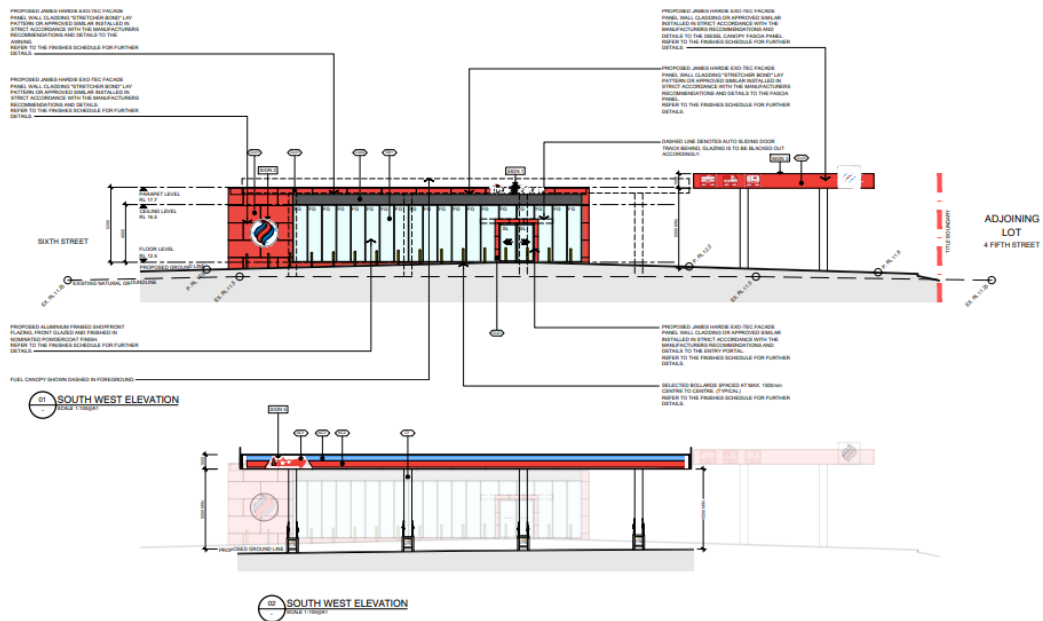


1 3D PERSPECTIVE



2 3D PERSPECTIVE

<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>
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MATERIAL & COLOUR SCHEDULE



<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>	<p>PROPOSED FUEL DEVELOPMENT</p> <p>38-49 EIGHTH AVENUE</p> <p>HOME HILL QLD 4806</p> <p>BAYAWAY PTY LTD</p>
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## Attachment D – Locality Plan













P.O. Box 18  
AYR QLD 4807

MCU 22/0014

15<sup>th</sup> November, 2022

The Chief Executive Officer  
Burdekin Shire Council  
P.O. Box 974  
AYR QLD 4807

Dear Sir,

Re: Establishment of Service Station  
Location: 39 – 49 Eighth Avenue, Home Hill

We are the owners of property at 49 Sixth Street, Home Hill and would like clarification into the acoustic fencing which is going to be bounding the proposed service station and our property.

It is noted that the proposed fencing will be 2.4 metres in height. As our land is raised above the adjoining property with a retaining wall, we would like to know if the proposed fencing is going to be from the natural ground level of the service station to a height of 2.4 metres or whether it will be from top of the height of the retaining wall of our property.

If the height is from the natural ground of the service station, this will compromise our units as the height of the fencing will still allow lighting from the service station to shine directly into the bedrooms of the units at night.

I ask Council to consider imposing a condition that the height for the proposed fencing be at least to the height to alleviate reflection of the lights at night into our units. As this service station is going to be a 24 hour station, having lighting shining into the units all through the night will severely compromise our ability to rent the units in the future.

I have attached photos for your assessment and I look forward to favourable consideration of our request.

Regards



E.L. Webber & A.J. Bojack











**From:** "Lorraine Gorizia" <gorub@skymesh.com.au>  
**Sent:** Wed, 16 Nov 2022 21:05:31 +1000  
**To:** "RES - Mailbox - Planning" <Planning@burdekin.qld.gov.au>  
**Subject:** Fwd: development submission  
**Attachments:** development submission.pdf

Chief Executive Officer,

Final concern is position of underground fuel tanks in relation  
to proximity to takeaway shop. Should there be an issue. Please clarify?

Regards Brian & Peter.

----- Forwarded Message -----

**Subject:** development submission

**Date:** Tue, 15 Nov 2022 20:24:35 +1000

**From:** Lorraine Gorizia <[gorub@skymesh.com.au](mailto:gorub@skymesh.com.au)>

**To:** [planning@burdekin.qld.gov.au](mailto:planning@burdekin.qld.gov.au)

Chief Executive Officer,  
Burdekin Shire Council,  
P.O. Box 974,  
Ayr. 4807.

Dear Sir,

Application Reference MCU22/0014. We own adjoining buildings which are 35-37 Eighth Avenue and No. 4 Fifth Street, Home Hill.

Our concerns are

1. Location of Refuse Bin with regard to smell, flies and its frequent removal. Should be located away from residence and existing shop.
2. Elevation of finished ground level – to prove no worsening effect to nearby property.
3. Windows on existing shop not to be obstructed to viewing outside if needed.
4. Confirmation and will neighbours be notified of location of boundary pegs for proposed boundary fence.
5. If any food franchise/tenant effect existing businesses in Home Hill.

Yours Faithfully,  
Brian John Gorizia & Peter Carl Rubiolo.  
15<sup>th</sup> November, 2022.

**From:** "No Reply" <mydas-notifications-prod2@qld.gov.au>  
**Sent:** Tue, 20 Dec 2022 14:16:10 +1000  
**To:** "RES - Mailbox - Planning" <Planning@burdekin.qld.gov.au>  
**Cc:** "mary.mccarthy@dsdilp.qld.gov.au"  
<mary.mccarthy@dsdilp.qld.gov.au>; "info@milfordplanning.com.au" <info@milfordplanning.com.au>  
**Subject:** 2208-30249 SRA application correspondence  
**Attachments:** TIA - Application decision - s62A (PA) - Approval\_ 1.pdf, Attachment 5 - Approved plans and specifications.pdf, Attachment 4 - Representations provisions.pdf, 2208-32190 SRA Response with conditions (1).pdf  
**Importance:** Normal

Please find attached a notice regarding application [2208-30249 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

*This is a system-generated message. Do not respond to this email.*

RA6-N



Email Id: RFLG-1222-0016-1227

Our ref TMR22-037029  
Your ref M1953  
Enquiries Peter Tarlinton



7 December 2022

Department of  
**Transport and Main Roads**

## **Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)**

**This is not an authorisation to commence work on a state-controlled road<sup>1</sup>**

Development application reference number MCU22/0014, lodged with Burdekin Shire Council involves constructing or changing a vehicular access between Lots 5, 6 and 7 on H61610, the land the subject of the application, and Eighth Avenue (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

### **Applicant Details**

Name and address Bayaway Pty Ltd  
PO Box 5463  
TOWNSVILLE CITY QLD 4810

### **Application Details**

Address of Property 39-41 Eighth Avenue, Home Hill QLD 4806  
Real Property Description 5H61610, 6H61610, 7H61610  
Aspect/s of Development Development Permit for the Material change of use for a Service Station and Shop

### **Decision (given under section 67 of TIA)**

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	(a) The permitted road access location is to be located generally in accordance with the following plan:  (i) Site & Floor Plan, prepared by TRG, dated May 2022, reference TP200 and revision D as amended in red.  (b) The Road Access Works must comprise a commercial vehicle crossing and be designed and constructed in accordance with the following:	At all times.

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
	<ul style="list-style-type: none"> <li>(i) Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition;</li> <li>(ii) Manual of Uniform Traffic Control Devices (MUTCD); and</li> <li>(iii) Relevant Traffic and Road Use Manuals.</li> </ul>	
2	<p>To ensure the safety of pedestrians, bicycle riders and other path users, sight lines at the permitted road access location, must be provided and maintained so that drivers on the driveway are able to see approaching path users before their vehicle encroaches onto the path.</p> <p>The applicant can obtain further guidance on what is required from the Department of Transport and Main Roads' Treatment options to improve safety of pedestrians, bicycle riders and other path users at driveways, available at: <a href="https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Cycling-guidelines">https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Cycling-guidelines</a></p>	At all times.
3	<p>(a) Road works comprising line marking, must be provided generally in accordance with Site &amp; Floor Plan prepared by TRG, dated May 2022, reference TP200 and revision D as amended in red.</p> <p>(b) The road works must be designed and constructed in accordance with the following:</p> <ul style="list-style-type: none"> <li>(i) Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition;</li> <li>(ii) Manual of Uniform Traffic Control Devices (MUTCD);</li> <li>(iii) Relevant Traffic and Road Use Manuals.</li> </ul>	Prior to commencement of use
4	Direct access is prohibited between Eighth Avenue and lots 5, 6 and 7 on H61610 at any other location other than the permitted road access location described in Condition 1.	At all times.
5	The landowner shall be responsible for maintenance of the driveway between the property boundary and the edge of the bitumen as required to continue safe and efficient access between the permitted road access point and Eighth Avenue.	At all times

### Reasons for the decision

The reasons for this decision are as follows:

- a) To ensure access to the State-controlled road from Lots 5, 6 and 7 on H61610 does not compromise the safety and efficiency of the State-controlled road network.

b) To provide safe access for all users associated with the Service station and Shop.  
Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

### **Information about the Decision required to be given under section 67(2) of TIA**

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

### **Further information about the decision**

1. In accordance with section 67(7) of TIA, this decision notice:
  - a) starts to have effect when the development approval has effect; and
  - b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

### **Further approvals**

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.
2. General advice:
  - a) This approval does not permit works to occur within the State-controlled road reserve. Further approval is required from the Department of Transport and Main Roads prior to any works occurring.
  - b) Road Works Approval Required – In addition to the Road Access Works Approval, a Road Works approval is required pursuant to section 33 of the TIA. Written approval is required from the Department to carry out road works, including the conditioned line

marking, on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Peter Tarlinton, A/Senior Town Planner should be contacted by email at [North.Queensland.IDAS@tmr.qld.gov.au](mailto:North.Queensland.IDAS@tmr.qld.gov.au) or on (07) 4421 8702.

Yours sincerely



Lisao Brooks  
A/Principal Advisor (Corridor Management)

Attachments:

- Attachment A - Decision evidence and findings
- Attachment B - Section 70 of TIA
- Attachment C - Appeal Provisions
- Attachment D -Permitted Road Access Location Plan

## Attachment A

### Decision Evidence and Findings

Findings on material questions of fact:

1. The objective of the *Transport Infrastructure Act 1994* requires the establishment of a road regime that is safe and efficient.
2. Section 62 of the *Transport Infrastructure Act 1994* allows the Department of Transport and Main Road to make decisions about permitted road access locations between particular/adjacent land and a State-controlled road.
3. The development result in the establishment of a Service station and Shop within the subject site.
4. The subject site has access to Eighth Avenue (a State-controlled road), and Sixth Street (a local road).
5. Eighth Avenue forms part of the Bruce Highway network.
6. Where proximate to the subject site, Eighth Avenue is not identified as a limited access road.
7. Eighth Avenue comprises a sign-posted speed limit of 60km/hr.
8. The carriageways of Eighth Avenue are separated by a painted and raised median and channelised right-hand turn lane.
9. Access to the development is to be achieved via a left-in / left-out crossover to Eighth Avenue, and an all movements crossover to Sixth Street.
10. Minor line marking changes are required to restrict right-turn movements into the subject site from Eighth Avenue.
11. The Eighth Avenue access location has been designed to be sited as far as practicable from the intersection with Sixth Street and is consolidated with the egress to minimise conflict points with pedestrians and active transport users.
12. Eighth Avenue is identified as a future Principal Cycle Network.
13. The development has been conditioned to provide clear sight splays to ensure ongoing pedestrian and cyclist safety at the access locations to the State-controlled road.
14. The property owner will be responsible for ongoing maintenance of the driveway between the property boundary and the pavement edge of the State-controlled road.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Development Application	Milford Planning	18 July 2022	M1953	-
Site and Floor Plan	TRG	12 July 2022	TP200	0
Proposed Elevations	TRG	12 July 2022	TP400	0



Proposed Elevations	TRG	12 July 2022	TP500	0
Signage Plan	TRG	12 July 2022	TP800	0
Proposed Perspectives	TRG	12 July 2022	TP900	0
Traffic Impact Assessment	Lambert & Rehbein	4 July 2022	B22130TR001_REVD	D
Conceptual Stormwater Management Plan	Kehoe Myers	15 July 2022	S2122467	Issue 1
Response to Advice Notice	Milford Planning	25 November 2022	M1953	-
SARA Further Advice Notice Response	Lambert and Rehbein	24 November 2022	B22130TL002_Final	-
Site & Floor Plan	TRG	Received 25 November 2022	TP200	Revision D

## **Attachment B**

### **Section 70 of TIA**

*Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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#### **70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
  - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

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**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
  - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

- (5) The court may order—
  - (a) the appeals to be heard together or 1 immediately after the other; or
  - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

**original decision** means a decision described in schedule 3.

**reviewed decision** means the chief executive's decision on a review under section 485.

### **31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

### **32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

**relevant entity** means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

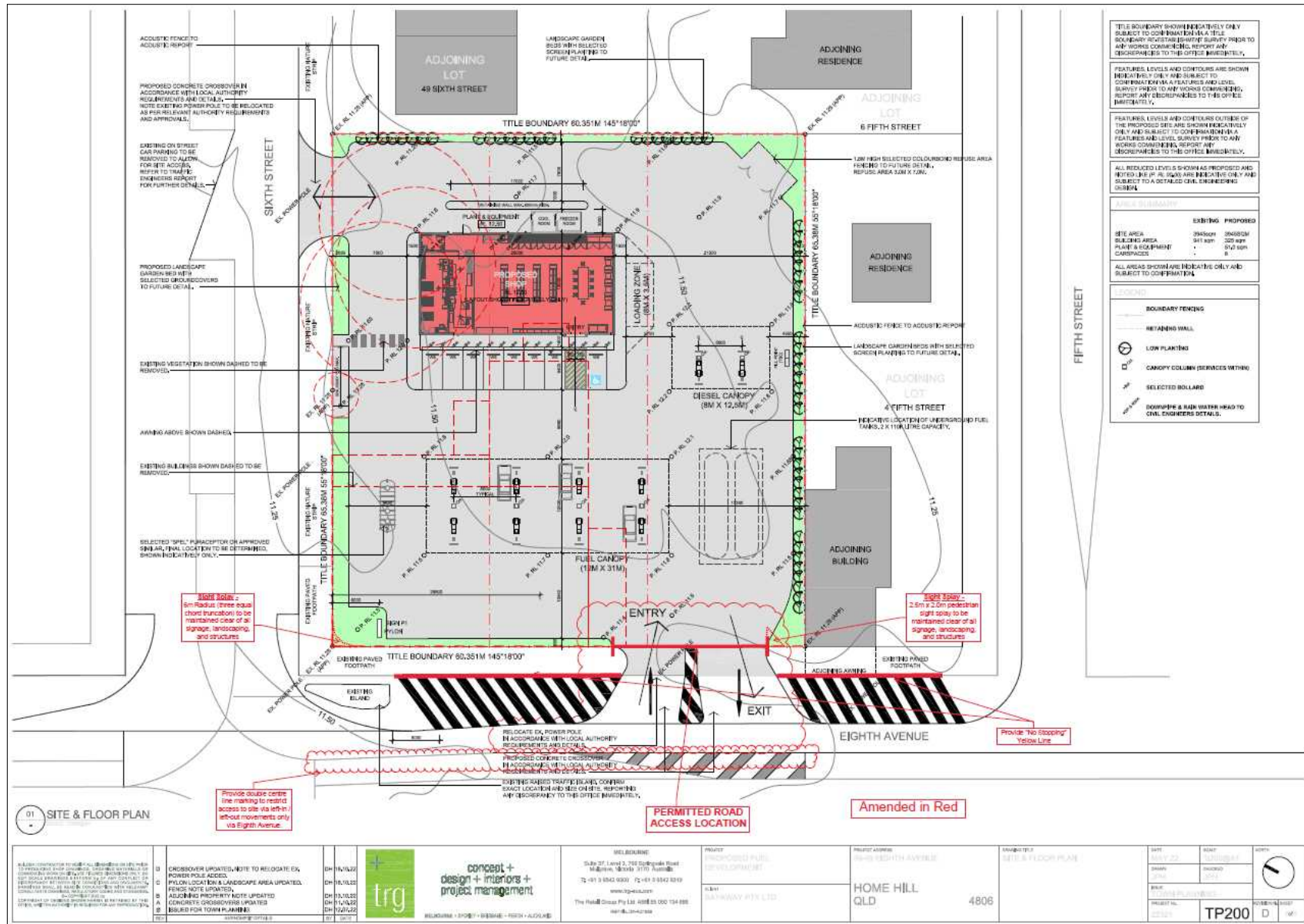
(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

## Permitted Road Access Location Plan



Program Delivery and Operations  
North Queensland Region  
445 Flinders Street Townsville QLD 4810  
PO Box 1089 Townsville QLD 4810

**Telephone** +61 7 (07) 4421 8702  
**Website** [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)  
**Email** [North.Queensland.IDAS@tmr.qld.gov.au](mailto:North.Queensland.IDAS@tmr.qld.gov.au)  
**ABN:** 39 407 690 291



ACOUSTIC FENCE TO ACOUSTIC REPORT

PROPOSED CONCRETE CROSSOVER IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS AND DETAILS. NOTE EXISTING POWER POLE TO BE RELOCATED AS PER RELEVANT AUTHORITY REQUIREMENTS AND APPROVALS.

EXISTING ON STREET CAR PARKING TO BE REMOVED TO ALLOW FOR SITE ACCESS. REFER TO TRAFFIC ENGINEERS REPORT FOR FURTHER DETAILS.

PROPOSED LANDSCAPE GARDEN BED WITH SELECTED GROUNDCOVERS TO FUTURE DETAIL.

EXISTING VEGETATION SHOWN DASHED TO BE REMOVED.

AWNING ABOVE SHOWN DASHED.

EXISTING BUILDINGS SHOWN DASHED TO BE REMOVED.

SELECTED "SPEL" PURCEPTOR OR APPROVED SIMILAR. FINAL LOCATION TO BE DETERMINED, SHOWN INDICATIVELY ONLY.

**Sight Splay -**  
6m Radius (three equal chord truncation) to be maintained clear of all signage, landscaping, and structures

**Sight Splay -**  
2.5m x 2.0m pedestrian sight splay to be maintained clear of all signage, landscaping, and structures

Provide double centre line marking to restrict access to site via left-in / left-out movements only via Eighth Avenue.

RELOCATE EX. POWER POLE IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS AND DETAILS

PROPOSED CONCRETE CROSSOVER IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS AND DETAILS.

EXISTING RAISED TRAFFIC ISLAND. CONFIRM EXACT LOCATION AND SIZE ON SITE, REPORTING ANY DISCREPANCY TO THIS OFFICE IMMEDIATELY.

01 SITE & FLOOR PLAN  
SCALE 1:200@A1

BUILDER / CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO PRODUCING SHOP DRAWINGS. ORDERING MATERIALS OR COMMENCING WORK ON SITE. USE FIGURED DIMENSIONS ONLY. DO NOT SCALE DRAWINGS & INFORM TRG OF ANY CONFLICT OR DISCREPANCY BETWEEN SITE CONDITIONS AND DOCUMENTS. DRAWINGS SHALL BE READ IN CONJUNCTION WITH RELEVANT CONSULTANTS DRAWINGS, REGULATORY CODES AND STANDARDS. © - COPYRIGHT 2022 TRG. COPYRIGHT OF DESIGNS SHOWN HEREIN IS RETAINED BY THIS OFFICE. WRITTEN AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.		D CROSSOVER UPDATED. NOTE TO RELOCATE EX. POWER POLE ADDED.		DH 18.10.22	 <div>concept + design + interiors + project management</div> MELBOURNE + SYDNEY + BRISBANE + PERTH + AUCKLAND	MELBOURNE Suite 37, Level 3, 799 Springvale Road Mulgrave, Victoria 3170 Australia T: +61 3 9542 9300 F: +61 3 9542 9310 www.trg-aus.com The Retail Group Pty Ltd ABN 85 050 134 686 RBP No. DP-AD1689		PROJECT PROPOSED FUEL DEVELOPMENT		PROJECT ADDRESS 39-49 EIGHTH AVENUE		DRAWING TITLE SITE & FLOOR PLAN		DATE MAY 22		SCALE 1:200@A1		NORTH 	
C FENCE NOTE UPDATED.		DH 18.10.22	CLIENT BAYAWAY PTY LTD			HOME HILL QLD		4806		DRAWN JPH		CHECKED JPH		ISSUE TOWN PLANNING		PROJECT No. 22321		REVISION No. / SHEET D / 2 of 6	
B ADJOINING PROPERTY NOTE UPDATED		DH 13.10.22																	
A CONCRETE CROSSOVERS UPDATED		DH 11.10.22																	
Ø ISSUED FOR TOWN PLANNING		DH 12.07.22																	

TITLE BOUNDARY SHOWN INDICATIVELY ONLY SUBJECT TO CONFIRMATION VIA A TITLE BOUNDARY RE-ESTABLISHMENT SURVEY PRIOR TO ANY WORKS COMMENCING. REPORT ANY DISCREPANCIES TO THIS OFFICE IMMEDIATELY.

FEATURES, LEVELS AND CONTOURS ARE SHOWN INDICATIVELY ONLY AND SUBJECT TO CONFIRMATION VIA A FEATURES AND LEVEL SURVEY PRIOR TO ANY WORKS COMMENCING. REPORT ANY DISCREPANCIES TO THIS OFFICE IMMEDIATELY.

FEATURES, LEVELS AND CONTOURS OUTSIDE OF THE PROPOSED SITE ARE SHOWN INDICATIVELY ONLY AND SUBJECT TO CONFIRMATION VIA A FEATURES AND LEVEL SURVEY PRIOR TO ANY WORKS COMMENCING. REPORT ANY DISCREPANCIES TO THIS OFFICE IMMEDIATELY.

ALL REDUCED LEVELS SHOWN AS PROPOSED AND NOTED LIKE (P. RL 00.00) ARE INDICATIVE ONLY AND SUBJECT TO A DETAILED CIVIL ENGINEERING DESIGN.

AREA SUMMARY

	EXISTING	PROPOSED
SITE AREA	3945sqm	3945SQM
BUILDING AREA	941 sqm	325 sqm
PLANT & EQUIPMENT	-	51.0 sqm
CARSPACES	-	8

ALL AREAS SHOWN ARE INDICATIVE ONLY AND SUBJECT TO CONFIRMATION.

LEGEND

- BOUNDARY FENCING
- RETAINING WALL
- LOW PLANTING
- CANOPY COLUMN (SERVICES WITHIN)
- SELECTED BOLLARD
- DOWNPIPE & RAIN WATER HEAD TO CIVIL ENGINEERS DETAILS.

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2208-30249 SRA

Date: 20 December 2022

Amended in red by SARA on  
20 December 2022



# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## Part 7: Miscellaneous

### 30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



SARA reference: 2208-30249 SRA  
 Council reference: MCU22/0014  
 Applicant reference: OM1953

20 December 2022

Chief Executive Officer  
 Burdekin Shire Council  
 PO Box 974  
 AYR Qld 4807  
 planning@burdekin.qld.gov.au

Attention: Kellie Galletta

Dear Sir/Madam

## SARA response—39-49 Eighth Avenue, Home Hill

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 3 August 2022.

### Response

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Outcome:	Referral agency response – with conditions.
Date of response:	20 December 2022
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

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Description:	Development permit	Material change of use – Service station and shop
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a State-controlled road and within 100m of an intersection with a State-	

controlled road

SARA reference: 2208-30249 SRA

Assessment Manager: Burdekin Shire Council

Street address: 39-49 Eighth Avenue, Home Hill

Real property description: Lot 5 on H61610, Lot 6 on H61610 and Lot 7 on H61610

Applicant name: Bayaway Pty Ltd  
C/- Milford Planning

Applicant contact details: PO Box 5463  
TOWNSVILLE CITY QLD 4810  
info@milfordplanning.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR22-037029
- Date: 7 December 2022

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads (DTMR) at North.Queensland.IDAS@tmr.qld.gov.au.

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Mary McCarthy, Senior Planning Officer, on 47583404 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Bayaway Pty Ltd, info@milfordplanning.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
10.9.4.2.4.1 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads(DTMR) to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The clear sight splays must be provided generally in accordance with the following plans as amended in red:  (a) Site & Floor Plan prepared by TRG, dated 18 October 2022, reference TP200 and revision D.	At all times
2.	(a) Road works comprising line marking, must be provided generally in accordance with Site & Floor Plan prepared by TRG, dated 18 October 2022, reference TP200 and revision D as amended in red to indicate approved line marking.  (b) The road works must be designed and constructed in accordance with the following: (i) Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; (ii) Manual of Uniform Traffic Control Devices (MUTCD); and (iii) Relevant Traffic and Road Use Manuals.	Prior to the commencement of use
3.	(a) The road access locations, are to be located generally in accordance with Site & Floor Plan prepared by TRG, dated 18 October 2022, reference TP200 and revision D as amended in red.  (b) Road access works comprising commercial vehicle crossings at the road access locations specified in part (a) of this condition, must be undertaken generally in accordance with Site & Floor Plan prepared by TRG, dated October 2022, reference TP200 and revision D as amended in red.  (c) The road access works must be designed and constructed in accordance with: (i) Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; (ii) Manual of Uniform Traffic Control Devices (MUTCD); (iii) Relevant Traffic and Road Use Manuals; and (iv) Burdekin Shire Council's Standard Drawings.	(a) At all times.  (b) and (c) : Prior to the commencement of use.
4.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the State-controlled road.  (b) Any works on the land must not: (i) create any new discharge points for stormwater runoff onto the State-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the State-controlled road; (iii) reduce the quality of stormwater discharge onto the State-controlled road.	Prior to the commencement of use

## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v3.0]. If a word remains undefined it has its ordinary meaning.
3.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the DTMR to carry out road works that are road access works (such as construction of a driveway) on a State-controlled road. Even though a development approval may have been given by a local Council, it is still necessary to obtain approval to construct road access works within a State-controlled road from the DTMR.</p> <p>To make an application for road access works approval, please contact the DTMR via <a href="mailto:North.Queensland.IDAS@tmr.qld.gov.au">North.Queensland.IDAS@tmr.qld.gov.au</a>, and include a completed Road Works/Road Access Works in a State-controlled road Application Form (Form F5082) available at: <a href="https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-matters-requiring-approval#driveways">https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-matters-requiring-approval#driveways</a>.</p> <p>This approval must be obtained <u>prior</u> to commencing any works on the state-controlled road reserve.</p>
4.	<p>The proposed development plans make reference to advertising devices that will be visible from a State-controlled road and that may be subject to future Council assessment. Please be advised that whilst referral to the DTMR will not be triggered pursuant to the provisions of Schedule 10 of the Planning Regulation, should the advertising devices be visible from a State-controlled road, the future operational application will be issued to the DTMR for the provision of Third Party Advice.</p> <p>During DTMR's review of the request for Third Party Advice, DTMR's Roadside Advertising Manual (RAM) will be considered as an assessment benchmark. The RAM assists DTMR and local governments to evaluate proposals for roadside advertising devices to ensure that they meet road safety and traffic operation objectives. The RAM also provides technical criteria for current and potential roadside advertisers. The RAM is available at: <a href="https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Roadside-advertising-manual">https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Roadside-advertising-manual</a></p> <p>To ensure that a future application for onsite advertising devices visible from the State-controlled road network is as streamlined as possible, it is strongly recommended that the RAM be considered in the design and siting of the advertising device(s). For more information regarding the RAM or the Third Party Advice process, please contact DTMR at <a href="mailto:North.Queensland.IDAS@tmr.qld.gov.au">North.Queensland.IDAS@tmr.qld.gov.au</a>.</p>

## Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for the department's decision are:

The proposed development complies with State code 1 of SDAP subject to reasonable and relevant conditions. Specifically, the development:

- does not create a safety hazard for users of a State-controlled road
- does not compromise the structural integrity of State-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of State-controlled roads and the surrounding road network
- does not compromise the State's ability to construct, or significantly increase the cost to construct state-controlled roads and future State-controlled roads
- does not compromise the State's ability to maintain and operate State-controlled roads, or significantly increase the cost to maintain and operate State-controlled roads
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services
- avoids or mitigates significant adverse impacts resulting from environmental emissions generated by vehicles on the State-controlled road

### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [3.0]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

## **Attachment 4—Change representation provisions**

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## **Attachment 5—Approved plans and specifications**

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## Attachment E – Detailed Assessment

### Assessment Summary

Based on the assessment of the development application, Council officers have determined that the proposed development can comply or can be conditioned to comply with the assessment benchmarks relevant to the assessment.

### Detailed Assessment

The timeframes for assessing and deciding applications is set in the *Planning Act 2016* and *Development Assessment Rules* (s.60 and 61(3)). A day referred to in the timeframe below means a business day as defined by the *Planning Act 2016*.

The assessment timeframes applicable to this application are as follows:

ASSESSMENT TIMEFRAMES			
Application Process		Timeframe	Date
1.0	Application lodged with Council (properly made)		20 July 2022
1.1	Action Notice issued	5 days (from 1.0)	Not applicable
1.2	Confirmation Notice issued	10 days (from 1.0)	2 August 2022
2.0	Application referred (properly referred)	10 days (from 1.2)	3 August 2022
2.1	Referral agency Information Request	10 days (from 2.0)	16 August 2022
2.2	Referral agency Advice Note		4 November 2022
2.3	Referral agency Response	25 days (from 2.1)	20 December 2022
3.0	Council Information Request	10 days (from 1.2)	15 August 2022
3.1	Extension of Time for Information Request		6 December 2022
3.2	Further Extension of Time for Information Request		Not applicable
3.3	Response to Councils Information Request	3 months (from 3.2)	20 October 2022
4.0	Public Notification commences	20 days (from 3.3)	27 October 2022
4.1	Public Notification completed	Min. 15 business days	17 November 2022
4.2	Consider submissions	10 days (from 4.1)	1 December 2022
5.0	Further Advice Request - Council		Not Applicable
5.1	Response to Further Advice Request		Not Applicable
6.0	Decision making period starts	1 day (after last applicable)	21 December 2022
6.1	Decision making period extended		17 February 2023
6.2	Decision making period extended		17 March 2023

ASSESSMENT TIMEFRAMES			
Application Process		Timeframe	Date
	Council Meeting		14 March 2023
6.2	Decision making period ends	35 days (minus up to 10 days from 3.0)	17 March 2023
6.3	Issue Decision Notice	5 days (after decision is made)	21 March 2023

### Level of Assessment

The development proposal is assessable under the *Burdekin Shire IPA Planning Scheme* (the planning scheme) in accordance with Section 43 (1) of the *Planning Act 2016*. The Assessment Manager is the Burdekin Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*. In accordance with the planning scheme, the Material Change of Use application was subject to impact assessment.

Council, as the Assessment Manager, has undertaken assessment of the application against the planning scheme making the decision pursuant to s. 60 of the *Planning Act 2016*, as outlined in s. 45 (3) and s.26 to 28 of the *Planning Regulations 2017*.

Assessment against the relevant provisions of the planning scheme has been undertaken:

Development	Zone	Overlays	Assessment Benchmarks
Material Change of Use – Service Station and Shop	Retail and Commercial	No overlays are applicable to the assessment of the proposed development.	<p>The following assessment benchmarks are applicable in the assessment of the development application:</p> <ul style="list-style-type: none"> <li>• Strategic Framework</li> <li>• Desired Environmental Outcomes</li> <li>• Retail and Commercial Zone Code</li> <li>• Service Station Code</li> <li>• Schedule 2 – Vehicle Parking Rates and Standards</li> </ul>

ASSESSMENT		
Benchmark	Purpose	Assessment
Strategic Framework	The strategic framework sets the policy direction	The proposed development is considered to be

ASSESSMENT		
Benchmark	Purpose	Assessment
	<p>for the planning scheme and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme.</p> <p>The strategic framework forms part of the criteria for impact assessable development and is structured in a way that:</p> <ul style="list-style-type: none"> <li>Establishes the broad context and strategies by which sustainable growth in the Burdekin Shire shall occur.</li> <li>Outlines three strategies that collectively represent the policy intent of the scheme, including <ol style="list-style-type: none"> <li>Flooding and Coastal Processes</li> <li>Integrated Catchment Management; and</li> <li>Land and Water Management.</li> </ol> </li> <li>The specific outcomes sought for each, or a number of, these strategies.</li> </ul>	<p>consistent with the overall intent of the Strategic Framework and its strategies, given its location within the Retail and Commercial zoning.</p> <p>Assessments have been completed by suitably qualified professionals to support the development with respect to flooding processes and land and water management. These assessments have been considered by Council officers and where relevant any approval will be appropriately conditioned to ensure that development remains consistent with the specific outcomes sought by the Strategic Framework.</p>
<p>Desired Environmental Outcomes</p> <p>MCU22/0014</p>	<p>The Desired Environmental Outcomes are the basis for the measures of the planning scheme, and are structured in a way that:</p> <ul style="list-style-type: none"> <li>Outlines the four (4) outcomes sought, including: <ol style="list-style-type: none"> <li>Economic Development</li> </ol> </li> </ul>	<p>The proposed development is considered to be consistent with Desired Environmental Outcomes, in particular, Outcomes (a) Economic Development and (c) Urban Development and Infrastructure.</p> <p>3</p>

ASSESSMENT		
Benchmark	Purpose	Assessment
	(b) Biodiversity and Conservation Areas (c) Urban Development and Infrastructure (d) Community Wellbeing  ▪ Outlines the elements that refine and further describe the desired environmental outcomes and the specific mechanism to achieve these	
<b>Retail and Commercial Zone Code</b>		
The purpose of the Retail and Commercial Zone code is to ensure: <ul style="list-style-type: none"> <li>(a) The commercial areas are convenient and accessible with a range of facilities and services;</li> <li>(b) The commercial area in Ayr is the primary location for retailing activities, with a mix of retailing, commercial, business, social and community services and personal service activities and provides for the consolidation of commercial uses;</li> <li>(c) Complimentary uses such as entertainment, tourist accommodation and government services are also provided;</li> <li>(d) Necessary retail and commercial services are provided in appropriate locations and are at a level of service appropriate for the needs of the community and are generally commensurate with the populations they serve;</li> <li>(e) Commercial uses are established and operated to ensure that such activity is compatible with the character and amenity of the surrounding area;</li> <li>(f) Development respects the built form, scale and intensity and maintains the amenity of adjoining properties; and</li> <li>(g) The quality of the surrounding natural environment is maintained.</li> </ul>		
<b>Officers Comment</b> The proposed development is considered to be appropriately located having frontage to the main thoroughfare through Home Hill (the Bruce Highway) and is generally in alignment with the outcomes sought by the Retail and Commercial Zone. Any approval can be conditioned to ensure the existing amenity of the area and the adjoining properties are maintained.		

Specific assessment against the relevant provisions of the Retail and Commercial Zone Code is provided below:

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
<b><i>Building Scale and Appearance</i></b>		
<p>The scale, intensity and height of buildings are in keeping with the character of the surrounding area by adopting appropriate:</p> <ul style="list-style-type: none"> <li>a) building heights;</li> <li>b) building setbacks; and</li> <li>c) site coverage.</li> </ul>	<p>Buildings are no greater than 2 storeys, including a ground storey, above natural ground level.</p> <p>The maximum site coverage is 75%.</p>	<p>Considered to comply.</p> <p>The proposed development is a typical modern day service station development that is a single storey building that can be sited on site to achieve appropriate setbacks and site coverage, to be sufficiently separated from the adjoining residential properties.</p>
<b><i>Carparking and Access</i></b>		
<p>Adequate car parking and safe and efficient access and manoeuvring areas are provided on the site.</p>	<p>Vehicle parking on site and access and manoeuvring areas are in accordance with Schedule 2 – Vehicle Parking Rates &amp; Standards.</p>	<p>The proposed development does not strictly comply with outcomes of Schedule 2, being the provision of thirty-eight (38) spaces for both a service station use and a shop use.</p> <p>However, the alternative solution put forward by the Applicant is supported by a Traffic Impact Assessment prepared by Lambert and Rehbein (which will form part of any approval). This assessment provides the twenty-five (25) spaces proposed is adequate for the uses as the service station will be the primary generator of vehicle trips to the site.</p>

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
		Council officers considered this report and recommendation that the twenty-five (25) spaces proposed can be accepted in this circumstance and location, with any approval to be appropriately conditioned to comply to ensure adequate parking spaces are provided on site supported by efficient access and manoeuvring areas, which are to be adequate for the proposed development.
<b>Lighting Nuisance</b>		
The operation of the activity does not cause undue disturbance to any person or activity because of the light it emits.	The vertical illumination resulting from direct, reflected or incidental light coming from a site does not exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up.	Considered to comply.  Any development approval will also be conditioned to comply in this regard.
<b>Infrastructure Provision</b>		
All premises have an appropriate level of infrastructure for the efficient a) functioning of the use while not impacting on adjoining land uses or the environment.	All premises are connected to a reticulated water supply.  All premises are connected to reticulated sewerage system.  The premises has frontage to a sealed road with	Complies.  The proposed development is already appropriately serviced in terms of infrastructure provision and the proposed development will be required to connect to both water and sewer reticulated infrastructure.

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
	kerbing and channelling.	The site has dual frontage to sealed roadways that have existing kerb and channeling. Any damage to existing infrastructure will need to be repaired immediately by the developer and at no cost to Council.
<b><i>Development Adjacent to Residential Areas</i></b>		
Development for a commercial use abutting a residential area maintains an acceptable level of residential amenity by providing: a) appropriate building setbacks to maintain privacy of nearby dwelling units; b) suitable landscape buffers; and c) avoiding noise, lighting and other nuisances.	<p>All potential noise sources such as air-conditioning, refrigeration plant and other mechanical plants have a solid wall or other noise attenuating structure sited directly between the adjoining residence(s) and the noise source.</p> <p>Waste bins are: a) enclosed or screened; and b) located away from habitable rooms of adjoining residences so as not to cause environmental nuisance (odour/amenity) or nuisance when being loaded or emptied.</p> <p>Illuminated advertising signs and night lighting are shielded or directed away from adjoining residence.</p> <p>Buildings have a minimum setback of: a) 3m or half the building height, whichever is greater, to the side boundary; and</p>	<p>Considered to comply.</p> <p>Any development approval will be conditioned to ensure compliance is achieved through the use of relevant and reasonable conditions that address noise, lighting, odour management and building setbacks.</p>



<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
	b) 6m or half the building height, whichever is greater, to the rear boundary.	
<b><i>Building Scale and Suitability</i></b>		
<p>Commercial or retail buildings</p> <p>a) respect and complement the existing character of the locality in terms of building height and intensity;</p> <p>b) maintain an appropriate human scale which is open and readily accessible from the street;</p> <p>c) complement the streetscape and other development in the street in its design; and</p> <p>d) are appropriate for the aspect and climatic conditions in the Shire.</p>	<p>Building or other structures are not constructed of highly reflective material such as high-performance glass and untreated galvanised metal sheeting, and do not incorporate extensive facades without visual or physical articulation, to any street frontage or to any residential allotment.</p> <p>The erection of building elements, such as communications equipment, roof top plant, and other specialised structures providing that:</p> <p>a) no shadows are cast over any adjacent residential allotments between 9am and 3pm on 22<sup>nd</sup> June;</p> <p>b) each structure does not detract from the overall streetscape of the particular town or village;</p> <p>and</p> <p>c) such structures will not detrimentally affect the amenity or prejudice the safety of an allotment.</p>	<p>Considered to comply.</p> <p>Any development approval will be conditioned to ensure compliance is achieved through the use of relevant and reasonable conditions of approval that address building materials, roof top structures and shadowing, landscaping requirements and existing streetscape complementation.</p>
<b><i>Landscaping</i></b>		
<p>Landscaping for a commercial use is provided to:</p> <p>a) soften the visual impact of the land use and/or associated building(s) from the street</p>	<p>Except for retail premises with zero setback, a landscaped area along the entire frontage of the site, with a minimum width of 3m is provided.</p>	<p>The proposed development as currently submitted does not strictly comply with the 3.0m landscaping provisions required by this Zone Code, instead proposing to provide a 1.0m wide landscaping strip</p>

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
and adjoining land; and b) reduce radiant heat and glare to adjoining properties.		<p>along Eighth Avenue and a 2.0m wide strip along Sixth Street.</p> <p>Given the developments location on the main thoroughfare of Home Hill and adjacent to existing residential properties, Officers consider adequate landscaping provisions are required to assist with softening its visual effect on the streetscape.</p> <p>Any approval given will be conditioned to provide a minimum 2.0 wide landscaping strip along both frontages excepting the portions of the site that are required to be free of all structures and landscaping to maintain sight splay. Landscaping also to be provided inside of the fencing proposed along the boundaries adjoining residential properties.</p>
<b>Energy Efficiency</b>		

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
<p>Buildings are designed and sited to:</p> <ul style="list-style-type: none"> <li>a) maximise indoor climatic comfort;</li> <li>b) minimise energy requirements for cooling during the summer months by minimising the need for air-conditioning;</li> <li>c) have adequate access to breezes and daylight in habitable rooms;</li> <li>d) incorporate lighting to meet usage requirements while minimising energy usage; and</li> <li>e) minimise the climatic environmental impact on adjoining properties.</li> </ul>	<p>Window and skylight placement and internal layout favours prevailing breezes and cross ventilation and allows natural light access into the building.</p>	<p>The applicant has advised that the development has been designed and sited in consideration of the prevailing breeze and climatic conditions found in the Burdekin Shire.</p> <p>Energy efficiency requirements will be addressed in a more technical manner during the building approval process.</p>
<b>Building Design</b>		
<p>Retail and commercial buildings are designed to be convenient for all users.</p>	<p>All buildings for commercial uses:</p> <ul style="list-style-type: none"> <li>a) address the principal road frontage; and</li> <li>b) include a cantilevered awning for the full frontage of the site.</li> </ul>	<p>Complies in part.</p> <p>Given the proposed service station use, the design and siting of the building and associated structures is considered reflective of the use and its operations, to ensure safety and convenience of users, with an awning provided over the pedestrian access only and the building addressing the fuel bowser forecourt rather than the street frontage directly.</p> <p>In this circumstance, it is considered that</p>

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
		development sufficiently addresses the outcomes sought in this regard to building design.
Development displays an attractive built form.	Development for retail or commercial purposes will: a) present to the principal road frontage an active shop front of open displays, easy and convenient pedestrian access, including disabled person; and b) display a building design that is compatible with and sympathetic to adjacent buildings and the North Queensland vernacular.	Considered to comply as per the comment for Building Design above.
<b>APPLICABLE ASSESSMENT BENCHMARKS</b>		
<b>Service Station Code</b>		
<p>The overall outcomes sought for the Service Station code are the following:</p> <p>(a) premises provide a high standard of safety and amenity;</p> <p>(b) premises have sufficient road frontage and are suitably located to enable safe and efficient access; and</p> <p>(c) the site is suitably landscaped and designed to maintain the amenity of adjoining land uses.</p> <p><b>Officers Comment</b></p> <p>The proposed development is considered to be appropriately located and any approval can be appropriately conditioned to ensure it remains in alignment with the outcomes sought by the Service Station Code.</p>		

Specific assessment against the relevant provisions of the Service Station Code is provided below:  
MCU22/0014

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
<b>Site Suitability</b>		
Each site has sufficient area and dimensions to accommodate: a) the building or buildings and associated storage area; b) vehicle parking areas; c) delivery and service vehicles d) safe vehicle access; and e) safe on-site vehicle movement.	<p>S1.1 The site has a minimum area of at least 1200m<sup>2</sup> .</p> <p>S1.2 A minimum of 25m frontage on midblock lots and minimum of 25m on corner lots.</p>	<p>Complies.</p> <p>The proposed development is across three lots, totalling 3,945m<sup>2</sup> and over 50.0 frontage to both Eighth Avenue (Highway) and Sixth Street.</p>
<b>Access and Parking</b>		
Premises have safe and efficient vehicular access, car parking and manoeuvring areas.	<p>S2.1 Premises have: a) a maximum width of any vehicle crossover across a footpath of 9m; b) a separation of at least 12m between any other vehicle crossover or road intersection; c) separate entrances to and exits from the site; and d) vehicle parking, access and manoeuvring areas are provided in accordance with Schedule 2 – Vehicle Parking Rates &amp; Standards.</p> <p>S2.2 The site is situated not more than 100m from the intersection of 2 or more roads, one of which is an Arterial Road or Sub-arterial Road.</p>	<p>Does not strictly comply with outcomes of Schedule 2, being 34 spaces for both a service station use and a shop use.</p> <p>However the alternative solution put forward by the Applicant is supported by a Traffic Impact Assessment prepared by Lambert and Rehbein (which will form part of any approval).</p> <p>This assessment provides the twenty five (25) spaces proposed is adequate for the uses as the service station will be the primary generator of vehicle trips to the site.</p> <p>Council officers considered this report and the</p>

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
	<p>S2.3</p> <p>All vehicle crossings to the premises are constructed of concrete to an industrial standard in accordance with Schedule 2 – Vehicle Parking Rates &amp; Standards.</p>	<p>twenty five (25) spaces proposed can be accepted in this circumstance and location, with any approval to be appropriately conditioned to comply to ensure adequate parking spaces are provided on site supported by efficient access and manoeuvring areas, which are to be adequate for the proposed development.</p>
<b>Residential Amenity</b>		
The residential amenity of any adjoining land is protected.	<p>S3</p> <p>Where a building is for the short stay parking, a wall of at least 1.8m is provided to the boundary within a residential area.</p>	<p>Considered to comply, where applicable.</p> <p>Acoustic treatments including fencing will be required to ensure the residential amenity of the adjoining land is protected.</p>
The site is appropriately landscaped to maintain the visual amenity of the streetscape.	<p>S4</p> <p>Premises incorporate a landscaped area along the entire frontage of the site, exclusive of access-ways, with a minimum width of 3m.</p>	<p>Considered to comply as an approval will be appropriately conditioned to ensure adequate landscaping provisions are provided onsite. Council Officers consider that a 2.0m wide landscaping strip in this location for this use will be adequate.</p>
<b>APPLICABLE ASSESSMENT BENCHMARKS</b>		

Assessable Development			
Specific Outcomes		Acceptable Solutions	Comment
<b>Schedule 2 – Vehicle parking rates &amp; standards</b>			
Use Definitions	Minimum Car Parking Spaces Required	Additional Standards	Officers Comment
Service Station	1 space per fuel pump, plus 1 space per 2 employees.	Not applicable to this development.	<p>The development proposes:</p> <ul style="list-style-type: none"> <li>▪ a service station with ten (10) bowzers in total</li> <li>▪ two staff to be employed; and</li> <li>▪ a total gross floor area for the development of 325m<sup>2</sup>.</li> </ul> <p>Given this, a minimum of thirty-eight (38) spaces in total should be provided on site according to the requirements of the scheme provisions (i.e. eleven (11) for the service station use and twenty-five (25) spaces for the shop use).</p> <p>However the alternative solution put forward by the Applicant is supported by the Traffic Impact Assessment prepared by Lambert and Rehbein (which will form part of any approval).</p>
Shop	1 space per 20m <sup>2</sup> of gross floor area or part thereof up to 100m <sup>2</sup> , then 1 space per 15m <sup>2</sup> gross floor area or part thereof thereafter.		

Assessable Development			
Specific Outcomes	Acceptable Solutions	Comment	
			<p>This assessment provides the twenty-five (25) spaces proposed is adequate for the uses as the service station will be the primary generator of vehicle trips to the site.</p> <p>Council officers considered this report and the twenty-five (25) spaces proposed can be accepted in this circumstance and location.</p> <p>Any approval can be appropriately conditioned to comply to ensure adequate parking spaces are provided on site supported by efficient access and manoeuvring areas, which are to be adequate for the proposed development.</p>



### State Interest Considerations

An assessment against the ‘applicable’ provisions of the relevant State Interests has been undertaken as reflected below. *The State Planning Policy (SPP)* is a key component of Queensland’s Planning System. The SPP (July 2017) expresses the State’s interests in land use planning and development.

The SPP has effect throughout Queensland and sits above regional plans and planning schemes in the hierarchy of planning instruments under the Act.

The SPP clearly focusses on delivery of outcomes and applies to:

- i. a local government in assessing a development application.
- ii. an assessment manager or referral agency in assessing a development application.

#### **STATE PLANNING POLICY (JULY 2017)**

<b>Liveable Communities and Housing</b>	<b>Economic Growth</b>	<b>Environment and Heritage</b>	<b>Safety &amp; Resilience to Hazards</b>	<b>Infrastructure</b>
Housing supply and diversity	Agriculture	Biodiversity	Emissions and hazardous activities	Energy and water supply
<b>Liveable Communities</b>	<b>Development and construction</b>	Coastal environment	<b>Natural hazards, risk and resilience</b>	Infrastructure Integration
	Mining and extractive resources	Cultural heritage		Transport Infrastructure
	Tourism	<b>Water quality</b>		Strategic airports and aviation facilities
				Strategic ports

The *Burdekin Shire IPA Planning Scheme 2011* does not currently integrate the relevant State Planning Policies; however it is considered that the following are relevant to the development:

- Liveable Communities and Housing (Liveable Communities).
- Economic Growth (Development and Construction)

## **Attachment E – Detailed Assessment**

- Environment and Heritage (Water Quality); and
- Safety and Resilience to Hazards (Natural Hazards, Risk and Resilience).

However for the purposes of this report and the proposed development, no further assessment of these matters is required, with all relevant matters considered to be dealt with under the provisions of the Planning Scheme and all other relevant legislation and policies.

### **North Queensland Regional Plan**

*The North Queensland Regional Plan (NQRP)* establishes strategic planning framework intended to guide the regions development and grow the local economy. The NQRP introduces assessment benchmarks for the assessment of proposed development within a Priority Agriculture Area (PAA) and also applies as a ‘matter to have regard to’ under the *Planning Regulation 2017*, where the NQRP or aspects of the NQRP are identified as having not been appropriately integrated in a local planning instrument. The proposal is considered to be generally consistent with the relevant goals, regional outcomes and regional policies of the plan.

The proposed development is not located in a Priority Agriculture Area and therefore the Development Assessment Benchmarks for PAAs are not applicable.

### **Public Submissions**

The applicant undertook Public Notification between 27 October 2022 – 17 November 2022, being a minimum period of at least 15 business days, in accordance with the relevant requirements of the *Planning Act 2016*.

Two properly made submissions (refer **Attachment E**) were received during the notification period from:

- EL Webber and A Bojack – Concerned with overall height of acoustic fence and lighting nuisance to adjoining residents.
- B Gorizia and P Rubiolo – Concerned with refuse bin location, finished ground levels, exact location of boundary fencing and the need for another food franchise in Home Hill.

Council must consider all properly made submissions in the assessment process in accordance with the provisions of the *Planning Act 2016* and the Development Assessment Rules.

## Attachment E – Detailed Assessment

The validity of the concerns of the submitters is acknowledged especially those with adjoining residential impacts and Officers have recommended any approval be conditioned appropriately in terms of minimising effects upon the existing amenity of the area as a result of the development.

### Infrastructure Charges

A Material Change of Use is a development type which triggers infrastructure charges. A Service Station use is considered a 'Commercial - Retail' use.

The adopted charge for a 'Commercial – Retail' use is the charge that Council determines should apply for the use at the time of assessment, based on use and demand.

Substantial credit for infrastructure charges exists for this development given the previous uses on this site that were commercial-retail in nature. Detail of the calculated infrastructure charge applicable to this development, is reflected hereunder:

### Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
Commercial - Retail	\$0.00	\$0.00	\$0.00	\$0.00	\$52,090.00	\$52,090.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$52,090.00</b>	<b>\$52,090.00</b>

A copy of the draft Infrastructure Charges Notice is included at **Appendix B** of the full report.

## 7.4.1. TECHNICAL SERVICES

### Permanent Road Closure - Alva Beach Caravan Park - Alva Beach

**File Reference:** 1789

**Report Author:** Dean Pappalardo, Technical Officer Design

**Authoriser:** Kevin Byers, Manager Technical Services

**Meeting Date:** 14 March 2023

#### **Link to Corporate/Operational Plan:**

Burdekin Shire Council Corporate Plan 2022-2027

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

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#### **Executive Summary**

Council has been requested for its views by the Department of Resources on an application for a permanent road closure over a part of road reserve identified as Esplanade adjacent to Alva Beach Caravan Park, for the use of grassed camping sites.

#### **Recommendation**

- That Council refuse the consent for the application of a permanent road closure over part of the road reserve identified as Esplanade adjacent to Alva Beach Caravan Park. Basis for refusal is;
  - The proposed area for road closure is a low lying coastal area, classified as highest risk of flooding from cyclone storm tide events.
  - A temporary road closure of this portion of land would be sufficient to allow the activities prescribed in the application, while maintaining the proposed area as road reserve (Esplanade) in the event Council requires this land for future projects.
- That Council resolves to accept a temporary road closure application over the proposed area if received from the applicant and supported by the State Department of Resources.

#### **Background**

Council has received an application referred from the Department of Resources for the permanent road closure over a part of road reserve identified as Esplanade adjacent to Alva Beach Caravan Park (Lot 1 and S on SP232085).

This section of road reserve is currently fully fenced and maintained by the applicant. The proposed use for this area will be to provide campers with an option of a flat grassed area where groups can camp together as an alternative to the existing cement sites. There are currently no plans to add additional sites or expand the caravan park at this point in time.

The requested permanent road closure area is approximately 3350 square metres.

**Consultation**

The State of Queensland (Department of Resources) has undertaken consultation under the *Land Act 1994*.

**Budget & Resource Implications**

Not Applicable.

**Legal Authority & Implications**

Not Applicable.

**Policy Implications**

Not Applicable.

**Risk Implications (Strategic, Operational, Project Risks)**

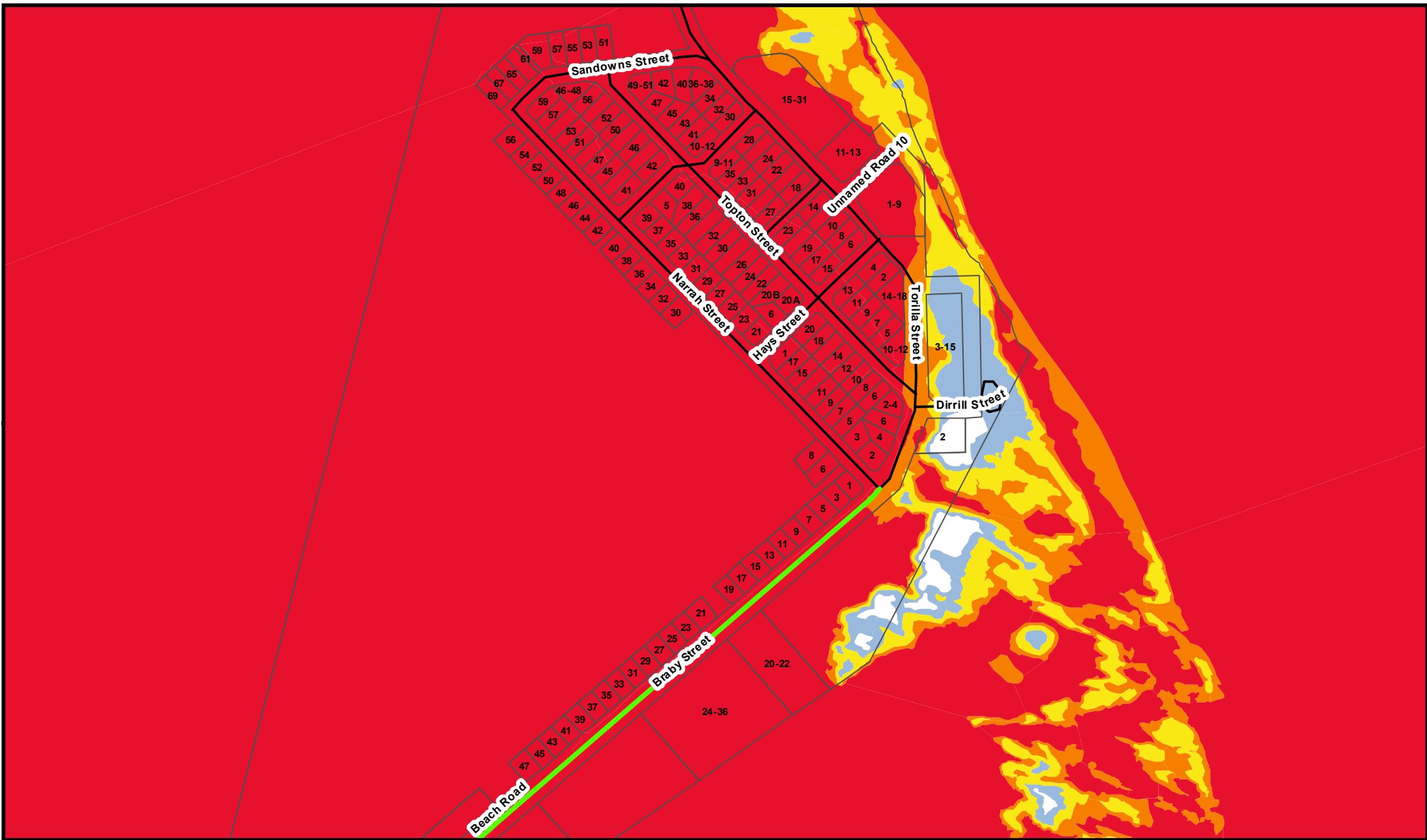
Inundation from storm tide and seawater level rises was considered.

**Attachments**

1. Alva Beach Caravan Park - Road Closure
2. AlvaTownship







#### DISCLAIMER

Storm Tide Evacuation Zones are based upon geographical data from the National Storm Tide Mapping program. Evacuation Zones are designed to provide an easy to understand method for the public to identify coastal areas that may be affected by storm tides caused by tropical cyclones or severe east coast storms. Every effort has been made to ensure that the information contained within these Public Information Maps is accurate. However, Burdekin Shire Council does not give any warranty or accept any liability in relation to the content of these maps.

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#### Evacuation Zones

- Red
- Orange
- Yellow
- Blue
- Major Evacuation Routes
- Shire Roads

## BURDEKIN STORM TIDE EVACUATION ZONES ALVA TOWNSHIP

0 25 50 100 Metres

