



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 14 March 2023

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

1. ATTENDANCE

Councillor Lyn McLaughlin, Councillor Sue Perry, Councillor Kaylee Boccalatte, Councillor John Bonanno, Councillor Michael Detenon, Councillor John Furnell, Councillor Max Musumeci.

Mr. T. Brennan - Chief Executive Officer
Mr. N. O'Connor – Director Corporate and Community Services
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services
Mr. K. Byers - Manager Technical Services
Mrs. K. Galletta - Manager Planning and Development
Mr. G. Stockdale - Design Office Coordinator

Minutes Clerk - Mrs. S. Iturriaga

2. PRAYER

The meeting prayer was delivered by Father Manoj Kunnath of the Catholic Church.

9.03am - Mr. Byers entered the meeting.

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council 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.

Resolution

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

CARRIED

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

Recommendation

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 Airdmillan Street, Ayr

That Council contact the property owners on the corner of Chippendale Street and Airdmillan 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.

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.

Resolution

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

CARRIED

MOTION ARISING

4.2.1 Driver Reviver Program Funding

Recommendation

That Council write to the Department of Transport and Main Roads (TMR) regarding the phasing out of funding for the Driver Reviver Program, seeking clarification on the foreshadowed cessation of the Driver Reviver Program funds, and enquire what program and funding will TMR replace the Driver Reviver Program with.

Resolution

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

CARRIED

9.27am - Mr. Byers left the meeting.

9.27am - Mr. Stockdale entered the meeting.

5. EXECUTIVE

5.1. CEO

5.1.1. Council Workshops - February 2023

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.

Resolution

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

CARRIED

5.2. ECONOMIC DEVELOPMENT

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.2. COMMUNITY DEVELOPMENT

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.4. GOVERNANCE

6.4.1. 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

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.

Resolution

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

CARRIED

6.4.2. Fraud and Corruption Control Policy

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.

Resolution

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

CARRIED

6.4.3. Entertainment and Hospitality Policy

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.

Resolution

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

CARRIED

9.31am - Mrs. Galletta entered the meeting.

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.2. OPERATIONS

7.4. TECHNICAL SERVICES

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

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, the 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.

Resolution

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

CARRIED

9.39am - Mr. Stockdale left the meeting.

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)

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.

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

Condition	Reason	Timing
2 Approved Plans and Documents <u>Approved Plans & 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.
Approved Plans		
Drawing/Plan Title	Number/Issue	Date
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
Associated Reports		
Development Application prepared by Milford Planning Consultants, July 2022 and Further Information, 20 October 2022 and 25 November 2022.		

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.		
3 Outstanding charges		
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.		
4 Operation of the Use/Limitations of the Approval		
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> .	The development must comply with all planning scheme requirements and definitions as approved, and as conditioned by this development permit.	At all times.
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		

Condition	Reason	Timing
material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.		
5 Amalgamation of Allotments 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.	The development application identified multiple lots were required to allow the approved use to commence and operate. Accordingly, the amalgamation of the lots is required to support the proposed use.	Prior to the commencement of the use.
6 Hours of Operation 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"> ▪ Service Station: 5am – 10pm every day. ▪ Deliveries (both Service Station and Shop supplies): 6am - 6pm every day. ▪ Refuse Collection: 7am - 6pm, Weekdays only 	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.
7 Environmental Health 7.1 Vapour recovery 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.

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

Condition	Reason	Timing
<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> <ol style="list-style-type: none"> can detect a leak from any portion of the underground storage system. uses equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions. 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)) 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). 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. <p>7.3 Fuel dispensing area</p> <ol style="list-style-type: none"> 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. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the demarcated areas. 		

Condition	Reason	Timing
<ol style="list-style-type: none"> 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. 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). 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. 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. All fuel dispensing areas (FDA) must be covered. A demarcation line is to be line marked on the drip line of the canopies. Operational plan should specify the size and certification for the efficiency of the collection system for preventing overflow. Submit to Council, certification by a suitably qualified person that the system has been installed in accordance with Development Approval conditions. 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% 		

Condition	Reason	Timing
<p>of the storage capacity up to 10,000L together with 10% of the storage capacity above 10,000L.</p> <p>7.4 Contaminants/Hazardous chemicals</p> <p>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</p> <p>b) An incidents register must be kept at the premises and it must record</p> <p>a) any incidents including but not limited to:</p> <p>any fire at the premises; and</p> <p>b) any release of contaminants not in accordance with the development approval conditions.</p> <p>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:</p> <p>i. a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;</p> <p>ii. a broom, shovel, face shield,</p> <p>iii. chemically-resistant boots and gloves;</p> <p>iv. and waste bags and ties.</p> <p>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.</p>		

Condition	Reason	Timing
<p>e) Contaminants or contaminated water must not be directly or indirectly released to surface water or groundwater at or outside the site except for:</p> <p>i. uncontaminated overland stormwater flow, or</p> <p>ii. uncontaminated stormwater to the stormwater system.</p> <p>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.</p> <p>g) Forecourts, carparking areas and driveways must not be hosed or washed to allow the release of contaminants to stormwater or into roadside gutters.</p> <p>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.</p> <p>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.</p>		
<p>8 Environmental Management</p> <p>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.</p> <p>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.</p> <p>8.3 The plan must be prepared in accordance with Best Practice Erosion & Sediment Control – November 2008 (IECA White Book).</p>	<p>To manage and to minimise the risk of causing environmental harm and to ensure adequate control measures are in place.</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 prior to the commencement of the use.</p> <p>iii. To be maintained for the life of the development.</p>

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"> • cease an activity • implement appropriate impact control measures • modify work plans or methods. 		
<p>9 Site Management</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"> • Site establishment activities and works on site proposed. 	<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>

Condition	Reason	Timing
<ul style="list-style-type: none"> • Access arrangements. • On site movement and activities including parking. • All infrastructure and servicing existing on site and all existing public utilities, services and Council assets. • Material storage on site. • Stockpiling of materials on site. • Emergency response procedures for fuel spills • Storage of hazardous materials • Waste management <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>10 Noise Management - Acoustic Control Measures</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"> A 10 km/h speed limit is set for vehicle movements. 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. Metal grates and manhole covers to be well fixed to avoid rattling. Appropriate signage to be installed to assist with management of the following operational factors: <ol style="list-style-type: none"> Truck movement paths are to prevent excessive reversing activities (which 	<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>	<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 prior to the commencement of the use.</p> <p>iii. To be maintained during the operation and life of the development.</p>

Condition	Reason	Timing
<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/m². 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>		

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>11 Acoustic Control Measures – Post Construction Certification</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 Condition 10 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 one (1) month from the commencement of the use.</p>

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>	SLR dated 14 October 2022, have been effectively implemented/installed.	
<p>12 Noise Management - General</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>	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> .	At all times during operation, for the life of the development.

Condition	Reason	Timing
undertake any works (if required from the report) within 3 months at no cost to Council.		
<p>13 Air</p> <p>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.</p>	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.
<p>14 Odour Management</p> <p>14.1 Implement odour control measures during the operation and life of the development to prevent an environmental nuisance from affecting nearby sensitive receptors.</p> <p>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>.</p> <p>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.</p>	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.

Condition	Reason	Timing
15 Outdoor Lighting 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. All illuminated signage must be turned off when the facility is closed. Note: Australian Standard 4282 to be checked at time of condition to ensure it is current, in terms of year of revision.	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> .	Prior to commencement of the use and to be maintained for the life of the development.
16 Acid Sulfate Soils Management 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.	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.	If required, technical details are to be submitted to council as part of an application for Operational Work.
17 Refuse Facilities and Waste Management 17.1 Refuse collection arrangements must be provided by the developer to the satisfaction of Council. In particular: a) The approved waste storage area is to be of sufficient size to house all garbage bins including recycling bins. 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.	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.	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.

Condition	Reason	Timing
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. 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. 17.3 Waste and recycling services must be provided in accordance with Council's Waste Management Policy. 17.4 Wastewater and solid waste shall not be released to stormwater, groundwater, waterbodies or onto the ground. 17.5 Wastewater from the Oil Water Solid Separator must be disposed of into the on-site treatment and disposal system. 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. 17.7 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter. 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: a) the date, quantity and type of waste removed; b) a copy of any licensed waste transport vehicle dockets; c) the name of the licensed regulated waste removalist and/or disposal operator; and d) the intended treatment and/or disposal destination of the waste. These records must be available for inspection by Council when requested.		
18 Car Parking, Access, Roadworks and Traffic		

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"> i. A minimum of two (2) dedicated accessible spaces in accordance with the requirements of the <i>Building Act 1975</i>; ii. a minimum two (2) dedicated staff car parking spaces; and iii. sixteen (16) tandem spaces adjacent to the petrol bowsters. <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"> 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.

Condition	Reason	Timing
<p>19 Street Enhancements</p> <p><u>Pedestrian Pathway</u></p> <p>19.1 The applicant must, at no cost to Council:</p> <p>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.</p> <p>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.</p> <p>19.4 The pedestrian pathway design and location must be detailed as part the required Operational Works application.</p> <p>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.</p>	<p>To achieve the desired streetscape character of the location in accordance with the relevant code/s and policy direction.</p>	<ul style="list-style-type: none"> 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.
<p>20 Sewerage Supply</p> <p>20.1 The development must be connected to Council's sewerage network.</p> <p>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.</p> <p>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.</p>	<p>To ensure that the development is appropriately serviced by reticulated sewer infrastructure in accordance with relevant code/s and policy direction.</p>	<ul style="list-style-type: none"> 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.

Condition	Reason	Timing
<p>20.4 Sewer manhole must be raised or otherwise constructed to avoid infiltration by stormwater.</p> <p>20.5 Sewer manhole to be of correct classification for design traffic loads.</p> <p>20.6 Inspection openings on sewer connection points must be raised to surface and trafficable.</p>		
<p>21 Build over sewer/Adjacent to Services</p> <p>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".</p>	To ensure development is appropriately constructed in accordance with relevant code/s and policy direction.	<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 prior to the commencement of the use.</p> <p>iii. To be maintained during the operation and life of the development.</p>
<p>22 Water Supply</p> <p>22.1 The development must connect to council's reticulated water system.</p> <p>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.</p> <p>22.3 Design, construct and maintain all water works in accordance with the approved drawings, documents, relevant Council policies, guidelines</p>	To ensure that the development is appropriately serviced by reticulated water infrastructure in accordance with relevant code/s and policy direction.	<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 prior to the commencement of the use.</p>

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>24 Stormwater and Flooding</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>

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>25 Engineers Certification</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>26 Landscaping and Fencing provisions</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>

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>
27 Building Materials		

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.
28 Screening of Plant and Utilities 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.
29 Signage 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.
30 Electricity and Communications Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.		
31 Property Numbering 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.
32 Storage		

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

Advice
1 Infrastructure Charges An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.
2 General 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.
3. Further Approvals Required

<p>a) Operational Work</p> <p>An Operational Work application associated with the following conditions must be submitted to Council for approval prior to the commencement of construction works and/or issue of a Development Permit for Building Works, unless otherwise approved by Council:</p> <p>Condition 17 - Refuse Facilities and Waste Management</p> <p>Condition 18 – Car Parking, Access, Roadworks and Traffic</p> <p>Condition 20 – Sewerage Supply</p> <p>Condition 21 – Build over sewer/Adjacent to Services</p> <p>Condition 22 – Water Supply</p> <p>Condition 24 - Stormwater and Flooding</p> <p>All plans, reporting and documentation associated with these further approvals must be prepared by a suitably qualified professional.</p> <p>b) Plumbing and Drainage Works.</p> <p>A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works.</p> <p>c) Building Works</p> <p>A Development Permit for Building Works to carry out building works prior to works commencing on site.</p> <p>d) Road Works Permit</p> <p>A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.</p>
<p>4 Further Inspections Required</p> <p>Compliance with Conditions</p> <p>The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.</p> <p>Condition 26 – Landscaping and Fencing provisions</p> <p>Condition 27 - Building Materials</p> <p>Condition 28 - Screening of Plant and Utilities</p> <p>Condition 31 - Property Numbering</p> <p>Condition 32 - Storage</p>
<p>5 Shop Fit Out</p>

<p>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.</p>
<p>6 Amenity Impacts</p> <p>Use of the site is to be operated in a way that protects the values of the existing environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting, in accordance with the <i>Environmental Protection Act 1994</i></p>
<p>7 Environmental Health – Construction Phase</p> <p>To ensure compliance with the <i>Environmental Protection Act 1994</i>:</p> <ol style="list-style-type: none"> Do not undertake any construction work during the following hours: <ol style="list-style-type: none"> on a Sunday or public holiday, at any time; or on a Saturday or business day, before 6.30 am or after 6.30 pm, unless otherwise approved in writing by Council. 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. Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways. 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. 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. Carry out construction activities in accordance with the approved Construction Management Plan. 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. Dispose of building construction and demolition waste only at an approved waste disposal facility. Dust control measures should be implemented onsite during the construction phase to prevent an environmental nuisance from affecting the occupiers and users of nearby premises.
<p>8 General Safety of Public During Construction</p>

<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>9 Storage of Materials and Machinery 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>10 Asbestos All asbestos removed from the site must be handled, transported and disposed of in accordance with the relevant legislation.</p>
<p>12 Trade Waste Approval/Agreement 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>13 Plant and Utilities Noise All refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems must be located, designed and installed to not exceed a maximum noise level of:</p> <ul style="list-style-type: none"> ▪ 5dB(A) above background level between the times of 7am to 10pm; and ▪ 3 dB(A) above background level between the times of 10pm to 7am.
<p>14 Flammable and Combustible Liquids 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>15 Chemical Storage 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>16 Clearance to Structure (Ergon Energy) 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>

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

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.

9.55am - Ms. Rhonda Williams, Mr. Dan Dubbeld, Mr. Scott Mclean, Ms. Jennie Dowie, Ms. Karina Lima, Ms. Rose Giardina, Mr. John Giardina, Mr. John Mackay, Ms. Tina Jean entered the meeting.

Resolution

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

CARRIED

10.01am - Mrs. Galletta left the meeting.

13. DELEGATION

13.1 Presentation - Annual Donation to the Burdekin Combined Chaplaincy Committee

A presentation was undertaken by Mayor McLaughlin to Ms. Rhonda Williams of Burdekin Combined Chaplaincy Committee on behalf of Burdekin Shire Council for the Annual Donation to the Chaplaincy Program.

10.17am - Meeting adjourned for Morning Tea.

10.47am - Meeting recommenced.

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

Executive Summary

The Chief Executive Officer advised that Council should consider re-scheduling the second Ordinary Council Meeting in April to Wednesday, 26 April 2023 commencing at 9.00 am, due to the normal meeting date falling on the Anzac Day public holiday.

Recommendation

That the second Ordinary Council Meeting in April be held on Wednesday, 26 April 2023 commencing at 9.00 am due to the normal meeting date falling on the Anzac Day public holiday.

Resolution

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

CARRIED

12. CLOSED BUSINESS ITEMS

There being no further business the meeting closed at 11.50am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 28 March 2023.

MAYOR
