



# Burdekin Shire Council

## **AGENDA**

### **ORDINARY COUNCIL MEETING**

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

**on 26 April 2023**

**COMMENCING AT 12:30 PM**

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.

Further information may be found on council's website at [www.burdekin.qld.gov.au](http://www.burdekin.qld.gov.au)

---

## **ORDER OF BUSINESS:**

### **ATTENDANCE**

- 2. PRAYER**
  - 3. DECLARATIONS OF INTEREST**
  - 4. MINUTES AND BUSINESS ARISING**
    - 4.1. Ordinary Council Meeting Minutes - 11 April 2023**
    - 4.2 RADF Advisory Group Minutes - 4 April 2023**
  - 5. EXECUTIVE**
    - 5.1. CEO**
    - 5.2. ECONOMIC DEVELOPMENT**
  - 6. CORPORATE AND COMMUNITY SERVICES**
    - 6.1. CLIENT SERVICES**
    - 6.2. COMMUNITY DEVELOPMENT**
      - 6.2.1. Community Connect - Community Profile Id.**
    - 6.3. FINANCIAL AND ADMINISTRATIVE SERVICES**
      - 6.3.1. Monthly Financial Report - March 2023**
    - 6.4. GOVERNANCE**
      - 6.4.1. Social Media Policy**
  - 7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES**
    - 7.1. ENVIRONMENTAL AND HEALTH SERVICES**
      - 7.1.1. Flying-fox Dispersal Activity for Home Hill**
      - 7.1.2. Adoption of Revised Waste Management Policy**
    - 7.2. OPERATIONS**
    - 7.3. PLANNING AND DEVELOPMENT**
      - 7.3.1. Development Application for Reconfiguring a Lot - Subdivision One (1) Lot into Two (2) Lots at 39 and 43 Robins Road, Ayr (Lot 4 on RP719819)**
      - 7.3.2. Development Application for Reconfiguring a Lot - Subdivision One (1) into Two (2) Lots and Access Easement at 31 and 87 Klondyke Road, Ayr (Lot 100 on SP272027 and Lot 103 on SP217493)**
    - 7.4. TECHNICAL SERVICES**
  - 8. NOTICE OF MOTION**
  - 9. RECEIPT OF PETITIONS**
  - 10. CORRESPONDENCE FOR INFORMATION**
  - 11. GENERAL BUSINESS**
  - 12. CLOSED BUSINESS ITEMS**
  - 13. DELEGATION**
-

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

##### **Ordinary Council Meeting Minutes - 11 April 2023**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 11 April 2023 be received as a true and correct record.

##### **Attachments**

1. Minutes - Ordinary Council Meeting - 11 April 2023



**Burdekin Shire Council**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 11 April 2023**

**COMMENCING AT 9:03 AM**



---

## **ORDER OF BUSINESS:**

### **1. ATTENDANCE**

Councillor Lyn McLaughlin, Councillor Kaylee Boccalatte, Councillor John Bonanno, Councillor Michael Detenon, Councillor John Furnell.

Mr. N. O'Connor – Director Corporate and Community Services  
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services  
Mrs. K. Olsen - Manager Financial and Administrative Services  
Mr. D. Pappalardo - Technical Officer Design (Part)

Apologies: Councillor Sue Perry  
Councillor Max Musumeci  
Mr. T. Brennan - Chief Executive Officer

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.

No declarations of interest were identified.

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

#### **4.1. Ordinary Council Meeting Minutes - 28 March 2023**

##### **Recommendation**

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

##### **Resolution**

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

CARRIED

---

## **4.2. Burdekin Shire Youth Council Meeting Minutes - 13 March 2023**

### **Recommendation**

#### Item 4 - Election of 2023 Burdekin Shire Youth Council Executive

Council notes the election of the following 2023 Youth Council Executive positions:

Youth Mayor - Xavier Wood  
Deputy Youth Mayor - Brent Dingle  
Secretary - Joshua Machin

#### Item 6 - Update on 2023 NQ Fast Track Talent Showcase

Council notes details of the Upcoming Fast Track Talent Showcase to be held on Saturday 18 March, and the involvement of the Burdekin Shire Youth Council members in this event.

#### Item 7 - Proposed 2023 National Youth Week Event

Council notes the proposed National Youth Week event to be hosted by the Burdekin Shire Youth Council at the Ayr Pool/Waterpark on Thursday 13 April 2023.

#### Item 8 - Youth Strategy Consultation

Council notes the suggestions from the Burdekin Shire Youth Council regarding upcoming Youth Strategy consultation.

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 13 March 2023 be noted; and
2. the recommendations as detailed in the minutes and summarized in Items 4, 6, 7 and 8 above be adopted.

### **Resolution**

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

CARRIED

*9.13am - Mr. Pappalardo entered the meeting.*

## **5. EXECUTIVE**

### **5.1. CEO**

#### **5.1.1. Workshop Report April 2023**

##### **Executive Summary**

In line with its normal meeting arrangements, the Council conducted two (2) general

---

workshops during March with workshops held on 7 and 21 March 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 March 2023 be received and noted.

### **Resolution**

Moved Councillor Detenon, seconded Councillor Furnell 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. Submission to Award a Direct Contract - My Community Directory**

##### **Executive Summary**

This report seeks to acquire and award a direct contract for a comprehensive online community directory, communication, and resource database for Burdekin Shire Council, residents, and organisations.

##### **Recommendation**

That Council:

1. Approve to enter a contract for subscription of service with Community Information Support Services Ltd for the to the Platform (My Community Directory, My Community Diary and My Community Info and My Give Local), an online community resource and database; and
2. Acknowledges the estimated total value of the proposed contract with Community Information Support Services Ltd (over an estimated 24-month period) is not categorised as a large-sized contractual arrangement as defined by Section 224(3) of the *Local Government Regulation 2012*; and

- 
3. Agrees, that in accordance with Section 235 (b) of the *Local Government Regulation 2012* the services to be provided by Community Information Support Services Ltd are of a specialised nature, and as such it would be impractical or disadvantageous for Council to invite written tenders; and
  4. Approve awarding sole provider status to Community Information Support Services Ltd, without seeking a competitive tender or quotations from the market as after a review of the market, there are no comparable all-inclusive products.

## **Resolution**

Moved Councillor Furnell, seconded Councillor Detenon that the recommendation be adopted noting the following amendments:

Dot Point 2 and 3 in the Background Section of the Report:

- At Council workshop 21 February 2023, Council discussed the purchase and development of My Community Directory. It was determined that My Community Directory website/portal will better enable residents to access up to date information on local community services, information and events.
- Following the presentation, it was identified that the platform increased significant savings in delivering core programs for the Council and the Platform will provided significant value to the Burdekin Community.

Budget and Resource Implications Section of the Report:

The subscription purchase cost of \$11,568.00 (Including GST) will be funded through 2023/2024 funds allocated to Community Capacity Building through a Disaster Resilience Grant. Note: this is for one (1) year only of a two-year contract.

Ongoing funds will need to be allocated to support the platform, directory, and services in the budget for financial year 2024/2025.

CARRIED

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

### **6.3.1. Adoption of 2023/2024 Revenue Policy**

#### **Executive Summary**

Under the *Local Government Act 2009*, Council is required to prepare, and by resolution, adopt a Revenue Policy for each financial year.

The policy identifies the principles Council intends to apply in relation to levying rates and charges, granting concessions for rates and charges, recovering overdue rates and charges and cost-recovery methods.

#### **Recommendation**

That Council adopts the attached 2023/2024 Revenue Policy.

---

## **Resolution**

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

CARRIED

## **6.4. GOVERNANCE**

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

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

### **7.2. OPERATIONS**

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

### **7.4. TECHNICAL SERVICES**

#### **7.4.1. Road Hierarchy and Standard Road Widths Policy**

##### **Executive Summary**

Council's Road Hierarchy and Standard Road Width Policy has been reviewed in accordance with the scheduled review period. The policy groups roads according to functionality of the road, traffic volumes, catchment areas and strategic management objectives and assigns certain minimum standards for each category of road type. The Policy applies to all existing Council controlled roads and proposed new roads created by Council or by Developers. The proposed minor amendments to the policy include:

- Urban Access Place – Carriageway Width increased from 7.5m to 8.5m
- Urban Arterial Road – Carriageway Width set at 12.0m and Footpath to 5.0m
- Increase of the Review Schedule from 24 to 36 months

##### **Recommendation**

That Council adopt the Road Hierarchy and Standard Road Widths Policy as attached to this report.

##### **Resolution**

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

---

FOR - Councillors Lyn McLaughlin, Kaylee Boccalatte, John Bonanno, John Furnell  
AGAINST - Councillor Michael Detenon

4/1

CARRIED

*9.43am - Mr. Pappalardo left the meeting.*

**8. NOTICE OF MOTION**

**9. RECEIPT OF PETITIONS**

**10. CORRESPONDENCE FOR INFORMATION**

**11. GENERAL BUSINESS**

**12. CLOSED BUSINESS ITEMS**

**13. DELEGATION**

There being no further business the meeting closed at 10.10am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 26 April 2023.**

**MAYOR**

## 4.2. MINUTES AND BUSINESS ARISING

### RADF Advisory Group Minutes - 4 April 2023

File Reference:

Report Author: Janice Horan, Grants and Property Officer

Authoriser: Nick OConnor, Director Corporate and Community Services

Meeting Date: 26 April 2023

---

#### Purpose

This report provides the Minutes of the RADF Advisory Group Meeting held on Tuesday, 4 April 2023.

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

##### Item 4 - Consideration of Out-of-Round Application

That Council approve the recommended funding below:

Applicant	Project	Requested Funding	Recommended Funding
Marnie Hine Photography	Towards cost of conducting photographic exhibition of 42 images from Project RAW to be held at Burdekin Theatre from 25-28 May 2023 as part of Sweet Days Hot Nights Festival and to further promote the Burdekin as the sugar cane capital of Australia  <i>RADF members suggest that a gold coin donation from attendees could recoup the additional funds of \$300.00.</i>	\$3,000.00	\$2,700.00
TOTAL		\$3,000.00	\$2,700.00

#### Recommendation

That:

1. the minutes of the RADF Advisory Group Meeting held on 4 April 2023 be noted, and;
2. the recommendation as detailed in the minutes and summarised in Item 4 above be adopted.

#### Attachments

1. RADF Minutes - 4 April 2023

# Meeting Minutes

<b>Meeting</b>	RADF Advisory Group Meeting		
<b>Date</b>	Tuesday, 4 April 2023	<b>Time</b>	4:05 PM
<b>Attendees</b>	Mr John Woods, Mrs Coral Colquhoun, Mrs Janine Worlein		
<b>Apologies</b>	Cr Lyn McLaughlin, Cr Sue Perry, Mr Tony Blackwell (Manager Community Services)		
<b>Chairperson</b>	Mr John Woods		
<b>Minutes Clerk</b>	Mrs Janice Horan (RADF Liaison Officer)		
<b>Location</b>	Ernie Ford Board Room		

1. Welcome:  
Mr Woods advised the meeting of Cr Perry's inability to attend the meeting. He also advised he had been requested to chair the meeting subject to approval of other members. No objection was raised to Mr Woods chairing the meeting and the meeting commenced at 4-05pm.
2. Declarations of Interest: Nil
3. Apologies – Cr Sue Perry, Mr Tony Blackwell (Manager Community Services), Cr Lyn McLaughlin.
4. Consideration of Out-of-Round Application:

Applicant	Project	Requested Funding	Recommended Funding
Marnie Hine Photography	<p>Towards cost of conducting photographic exhibition of 42 images from Project RAW to be held at Burdekin Theatre from 25-28 May 2023 as part of Sweet Days Hot Nights Festival and to further promote the Burdekin as the sugar cane capital of Australia</p> <p><i>RADF members suggest that a gold coin donation from attendees could recoup the additional funds of \$300.</i></p>	\$3,000	\$2,700
TOTAL		\$3,000	\$2,700

There being no further business, the meeting closed at 4-30 pm.



## 6.2.1. COMMUNITY DEVELOPMENT

### Community Connect - Community Profile Id.

**File Reference:** 2599

**Report Author:** Tony Blackwell, Manager Community Services

**Authoriser:** Tony Blackwell, Manager Community Services

**Meeting Date:** 26 April 2023

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

Burdekin Shire Council Corporate Plan 2022-2027

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

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

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

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

4.2.2: Promote and support community education programs that contribute to improved environmental and community outcomes.

Burdekin Shire Council Operational Plan 2022-2023

CD2 Develop a Burdekin Shire Youth Strategy.

CD8 Build capacity and resilience of local sport, recreation and community groups through the facilitation of appropriate forums and workshops.

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

---

#### **Executive Summary**

This report seeks to award a direct contract for a community population profile dataset and information for the Burdekin Shire Council, staff, residents, and local organisations to access and utilise.

#### **Recommendation**

That Council:

1. Approve to enter into a contract for subscription of service with the Community Profile id from ID Consulting Pty Ltd at an annual cost of \$6,600.00.
2. Acknowledges the estimated total value of the proposed contract with ID Consulting Pty Ltd (over an estimated 12-month period) is not categorised as a large-sized contractual arrangement as defined by Section 224(3) of the Local Government Regulation 2012; and
3. Agrees, that in accordance with Section 235 (b) of the Local Government Regulation 2012 the services to be provided by ID Consulting Pty Ltd are of a specialised nature, and as such it would be impractical or disadvantageous for Council to invite written tenders; and
4. Approve awarding sole provider status to ID Consulting Pty Ltd for the Community Profile id, without seeking a competitive tender or quotations from the market as after a review of the market, there are no comparable all-inclusive products and Council already use the Economy id profile.

## Background

Currently Burdekin Council's is not able to easily access up to date, tailored community population profile data and information for the Burdekin.

At Council workshop 7 March 2023, Council considered the merits of a tailored Community Profile id resource and the potential value to Council staff, local organisations, and residents in having access to evidenced based data for research, planning and the preparation of funding submissions etc. At the workshop it was recognized that community population profile provides significant value to the Burdekin Community. The community profile tool uses a place-based methodology for representing Australian Bureau of Statistics (ABS), Census data for the Local Government Area (LGA) and

- curates' data from 1991, 1996, 2001, 2006, 2011, 2016 and 2021 Censuses and provides a concordance across all Census periods for accurate time series analysis. This feature is unique to id. It is essential to ensuring users, especially those less experienced, have an accurate evidence-base and are confident that changes in the data represent real-world change.
- undertake analysis of the Local Government Area (LGA) and each agreed small area (e.g., activity centres, suburbs, wards, former LGAs, planning catchments)
- use benchmarks for comparing areas such as Townsville Northwest region for Burdekin, with other benchmarks available on request.
- includes specialist datasets such as annual SEIFA and JobSeeker and
- provides for the majority of person-based topics broken down by Sex (Male/Female).

It is envisaged that investing in the Community Profile will complement the current Economic Profile and enable Council to strengthen planning purchasing and strategic decision making for the future. It is anticipated that the community profile will also be community facing enabling community organisations to be better informed in developing evidenced based grant applications at local state and national levels.

Profile id provides a high-quality evidence base that enables Council to prioritise where and when budgets should be spent to maximise opportunities and avoid costly timing or geo-mistakes. Burdekin Shire's operational and works budget is substantial, and the profile id's toolkit can also assist in guiding council's expenditure to where it is most needed for the future.

It is envisaged that Community Profile id will be accessible online via Council website to ensure maximum community reach and will assist in service planning, crisis and disaster response, promotion of Council services and programs, and community and business capacity building. Additionally, Council's Corporate Plan 2022 - 2027 provides a commitment to Embrace Technology and Improve access to information through digital platforms.

Importantly, the total value of the contract is forecast to not exceed legislative tendering thresholds. The relevant sections of the Local Government Regulation 2012 are provided as follows: 224 (3) A large-sized contractual arrangement is a contractual arrangement with a supplier that is expected to be worth, exclusive of GST, \$200,000.00 or more in a financial year, or over the proposed term of the contractual arrangement however Section 235 allows Council to enter into a contract without first obtaining quotes if it reasonably believes there is only one supplier:

"A Local Government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if - (b) the Local Government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the Local Government to invite quotes or tenders. "

## Consultation

Community and stakeholder consultation underpins the recommendation. Specific consultation was undertaken with Council staff including Economic Development, Assets Management and GIS team and external stakeholders such as Police Citizens Youth Club, Burdekin Community Association and Burdekin Neighbourhood Centre to name a few.

## Budget & Resource Implications

The purchase cost of \$6,600.00 can be funded through funds allocated to Community Capacity Building through a Disaster Resilience Grant. Note: this is for one (1) year term only.

Ongoing funds will need to be considered to support the platform, directory, and services in the budget for financial year 2025.

## Legal Authority & Implications

Potential legal and reputational implications to Council are low. Additionally, Senior Governance advice has been sought in developing this recommendation.

## Policy Implications

The Initiative supports the delivery of Council Policy and Operational Plans. No adverse implications.

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

The table below represents a summary of the key risks associated with this procurement:

Procurement Risk	Risk Rating	Risk Mitigation Strategy	Risk Allocation
Data Integrity	Low	Very Low as key data sourced from ABS	Contractor
ICT Risk		The risk could be that the Council Website crashes. Information will also be located on My Community Directory	Council

## Attachments

1. Draft Service Level Agreement

## .id Agreement

This agreement is between the following entities:

ID Consulting Pty Ltd  
10 Easey Street, Collingwood VIC 3066  
ABN: 44 084 054 473

Burdekin Shire  
145 Young St,  
Ayr, Qld, 4807

.id's information products are designed to manage information and build knowledge about your community across your organisation.

**prepared by .id**

© copyright .id (informed decisions)

# Contents

RECITALS.....	3
Terms and conditions .....	4
1.    DEFINITIONS & INTERPRETATION.....	4
1.1    Definition .....	4
1.2    Interpretation .....	5
2.    SUPPLY OF PRODUCT.....	5
3.    TERM.....	6
4.    GRANT OF RIGHT TO USE PRODUCT .....	6
5.    TRADE MARK LICENCE .....	6
6.    INTELLECTUAL PROPERTY RIGHTS .....	6
7.    FEES.....	7
8.    GST .....	8
9.    CONFIDENTIAL INFORMATION .....	8
10.    DISCLAIMERS.....	8
11.    SCOPE OF LIABILITY & INDEMNITY .....	9
12.    TERMINATION.....	10
13.    CONSEQUENCES OF TERMINATION .....	10
14.    FORCE MAJEURE .....	10
15.    MARKETING .....	10
16.    DISPUTE RESOLUTION .....	11
17.    NOTICES .....	11
18.    APPLICABLE LAWS .....	11
19.    WAIVER .....	11
20.    SIGNATURES & COUNTERPARTS.....	11
21.    APPLICATION OF THE AGREEMENT.....	12
Execution .....	12
Item 1 – client details.....	13
Item 2 – commencement date.....	13
Term 12 months then ongoing until cancelled .....	13
Item 3 – product (s) .....	13
Item 4 – annual product fees .....	13
Invoice Payment Terms .....	14
Item 5 - On-Line & Telephone Support.....	15
Item 6 – additional services.....	15
Schedule 2 – profile.id geographic areas .....	16

**THIS AGREEMENT** is made on the                      day of                      2023

-by-

**ID CONSULTING PTY LTD** ACN 084 054 473                      (**“.id”**)

-and-

the entity named in Item 1 of Schedule 1                      (**“the Client”**)

## RECITALS

The Client engages .id to supply the Product and provide the Services as set out in the Schedules.

.id has agreed to supply the Product and provide the Services on the terms and conditions set out in this Agreement.

The parties agree to proceed as set out in the attached Terms and Conditions and Schedules.

## Terms and conditions

### 1. DEFINITIONS & INTERPRETATION

#### 1.1 Definition

**ABS Data** means statistical census information collated, produced, supplied and/or owned by the Australian Bureau of Statistics and upon which .id relies to produce the Product. For the avoidance of doubt, although the Product is originally based on and/or derived from ABS Data, .id modifies, transforms and/or reconfigures such ABS Data in order to create, collate, compile, produce and supply the Product.

**Annual Product Fees** means the fees payable annually by the Client to .id for the provision of the Product and the Services as set out in Schedule 1.

**Business Day** means a day that is not a Saturday, Sunday, public holiday or bank holiday in the State of Victoria, Australia.

**Claim** means in relation to a party, a demand, claim, legal action or legal proceeding made or brought by or against the party, howsoever arising and whether present, unascertained, immediate, future or contingent.

**Client** means the person/s or entity specified in Schedule 1.

**Client Content** (if any) means any data, information or other content belonging to, or licensed to the Client, which the Client provides to .id for the purpose of undertaking the Services.

**Commencement Date** means the date specified in Schedule 1.

**Confidential Information** means all information provided by one party to the other in connection with this Agreement where such information is identified as confidential at the time of its disclosure or ought reasonably be considered confidential based on its content, nature or the manner of its disclosure, but:

- (a) excludes information that enters the public domain or is legally disclosed to a party by a third party, other than a breach of this Agreement; and
- (b) in relation to .id includes .id Confidential Information.

**Consequential Loss** means:

- (a) any loss not arising naturally and not arising according to the usual course of things, from the relevant breach or acts or omissions, whether or not such loss may reasonably be supposed to have been in the contemplation of both parties at the time they entered into this Agreement as the probable result of the relevant breach or act or omission; or
- (b) any loss of profits, revenues, business, data (including corruption to data), goodwill, reputation, bargain or opportunities.

**Forecast** means a forecast produced by id from Forecast Data and .id forecast assumptions, and delivered through forecast.id@ or economy.id@.

**Forecast Data** means the data, reports, maps, charts, graphs, and other material produced by .id within the forecasting parameters as defined in the Schedule and used in a Product.

**.id Fees** means the total of the Annual Product Fees and any other fees payable pursuant to this Agreement.

**Force Majeure Event** means any event beyond the control of the relevant party.

**GST** has the meaning given in A New Tax System (Goods and Services Tax) Act 1999 (Cth), or any other similar legislation.

**IAMA** means the Institute of Arbitrators & Mediators Australia.

**.id** means ID Consulting Pty Ltd ABN 44 084 054 473

**.id Confidential Information** means confidential information of .id in relation to .id Products and .id Services which includes any tools, methodologies, processes, libraries, databases, software, firmware, documentation, information, data or other material in whatever form, owned by or licensed to .id [other than that licensed to .id by the Client] that supports the operation of, or is incorporated into .id Products and .id Services.

**.id Content** means any data, information or other content belonging to, or licensed to .id (including ABS Data, Third Party Content and Forecast Data).

**Intellectual Property Rights** means all intellectual property rights, including all copyright, patents, trade marks, design rights, trade secrets, domain names, know-how and other rights of a similar nature, whether registrable or not and whether registered or not, and any applications for registration or rights to make such an application.

**Loss** means any loss, liability, Claim, damage, cost, charge, expense or diminution in value, however arising, and whether present or future, fixed or unascertained, actual or contingent.

**Map Data** means mapping data obtained from Here North America LLC, as defined by this supplier.

**Moral Rights** has the meaning given under the Copyright Act 1968 (Cth) and includes any similar rights existing in other countries.

**Personal Information** has the meaning in the Privacy Act 1988.

**Personnel** means directors, officers, managers, employees, contractors, agents or other persons in the entity's control.

**Product** means the product or products to be supplied by .id to the Client as specified in the Schedules, and may include:

- **atlas.id®** - an on-line series of thematic maps that show how particular population groups are distributed across a selected area
- **economy.id®** - an on-line economic profile of the local government area and its labour force region
- **forecast.id®** - an on-line population and household type forecast
- **housing.id®** - an online platform for informing and monitoring housing strategy
- **profile.id®** - an on-line socio-demographic profile with Customised Small Area Information (ie. the geographic areas selected by the Client as set out in Schedule 2)

**Services** means the provision by .id of hosting and subscription of the Product for the Client, the provision of on-line and telephone support by .id to the Client, Training for the Client and any additional services to be provided by .id to the Client as set out in Schedule 1.

**Schedule** means a schedule to this Agreement.

**Term** means the term specified in clause 3 of this Agreement.

**Third Party Content** means content obtained by .id from a range of sources for use within its Products and Services and includes ABS Data and Map Data.

**Trade Marks** means those of atlas.id®, economy.id®, forecast.id®, and profile.id®, all registered trademarks of .id, and any other trademarks of .id that are evident through use.

**Training** means the provision of a training session associated with the content, function and interpretation of the Product.

## 1.2 Interpretation

Unless the context requires otherwise:

- (a) a reference to a person includes a corporation or any other legal entity;
- (b) the singular includes the plural and vice versa;
- (c) headings are for the convenience and do not form part of this Agreement or otherwise affect the interpretation of this Agreement;
- (d) the term "includes" (or any similar term) means "includes without limitation";
- (e) a reference to any statute includes references to any subsequently amended, consolidated or re-enacted version of that statute and all delegated legislation or other statutory instruments made under it.

## 2. SUPPLY OF PRODUCT

- 2.1 .id agrees to supply to the Client the Product and the Services on and from the Commencement Date on the terms and conditions set out in this Agreement.



### 3. TERM

3.1 This Agreement begins on the Commencement Date.

3.2 This Agreement shall only be terminated:

- (a) If there is a fixed term specified in Schedule 1, then at the end of that fixed term;
- (b) If there is no fixed term specified in Schedule 1, then by the Client with 30 days prior written notice, however the paid Annual Product Fees are non-refundable; or
- (c) as set out in clause 12.

### 4. GRANT OF RIGHT TO USE PRODUCT

4.1 .id grants to the Client a non-exclusive, world-wide, non-transferable licence to access the Product for the Term for the Client's bona fide commercial activities but subject to the terms contained in this Agreement.

4.2 The Client:

- (a) may only use the Product in the form provided; and
- (b) must not use the Product in any way that could damage the reputation of .id or the goodwill or other rights of .id associated with the Product; and
- (c) must not on-sell or license or in any way transfer or assign its rights in the Product to any third party.

### 5. TRADE MARK LICENCE

5.1 Except as expressed in this clause, the Client must not use the branding (including Trade Marks) of .id or any third party within the Product, without the prior written consent of .id.

5.2 .id grants to the Client a non-exclusive, revocable right and licence to use the Trade Marks solely for the purpose of complying with clauses 6.8 - 6.11.

5.3 Subject to the limited use rights granted to the Client under clause 5.2, all powers that would be conferred on authorised users by Section 26 of the Trade Marks Act 1995 (Cth) are expressly excluded.

### 6. INTELLECTUAL PROPERTY RIGHTS

6.1 Nothing in this Agreement constitutes a transfer of any Intellectual Property Rights from .id to the Client unless expressly stated otherwise. The Client acknowledges and accepts that it will not, as a result of entering into this Agreement, acquire any ownership or Intellectual Property Rights in the Product, the Services or .id Confidential Information.

6.2 The Client:

- (a) subject to clause 6.3, acknowledges that .id owns all Intellectual Property Rights associated with the Product and the Trade Marks;
- (b) will not directly or indirectly do anything that would or might invalidate or put in dispute .id's title in the Product or the Trade Marks and/or associated Intellectual Property Rights; and
- (c) must comply with .id's reasonable usage guidelines and directions relating to the Product and the Trade Marks as notified to the Client from time to time.

6.3 The Client acknowledges in relation to the Product that:

- (a) the ABS Data and the copyright in the ABS Data remains the property of the Australian Bureau of Statistics;
- (b) Map Data and any copyright in the Map Data remains the property of the identified Map Data owner;
- (c) Forecast Data and the copyright in any Forecast Data remains the property of .id;
- (d) copyright in any third party product that is evident with use of the Product remains the property of the identified third party.

6.4 All use of the Product or Trade Marks, including all goodwill arising from such use, shall accrue solely to the benefit of .id.

- 6.5 If any person makes any claim alleging that the Product infringes any Intellectual Property Rights or Moral Rights of any person, the Client must:
- (a) promptly notify .id in writing;
  - (b) not make any admissions or take any action in relation to the claim without .id's written consent;
  - (c) permit .id control over any and all investigations, negotiations, settlement and dispute resolution proceedings relating to the claim; and
  - (d) cooperate with, assist and act at all times in accordance with the reasonable instructions of .id, in relation to the claim and any consequent investigations, negotiations, settlement and dispute resolution proceedings.
- 6.6 .id has the right to vary the content and presentation of the Product from time to time in its absolute discretion and without notice to the Client. Where any variation is substantive .id will notify the Client.
- 6.7 The Client must not alter, adapt, disassemble, or reverse engineer the source data or the content or presentation of the Product.
- 6.8 Subject to clause 6.9, the Client has the right to use the information contained in the Product for use in Client reports, publications and other forms of Client presentation.
- 6.9 Where the Client replicates the whole or any part of the Product ("**the replicated work**"), then the Client must clearly attribute the work of .id or any relevant third party content by including an **Attribution Notice** in the document or other medium where the replicated work is published. The Attribution Notice must be published in a place where it can be easily found and viewed by any reader or observer of the document or other medium in which the replicated work appears.
- 6.10 Where the replicated work is a diagram, map, table, graph or data in another format and that source of data is already identified with the data source, then that attribution [including any logo] must be replicated along with the replicated work.
- 6.11 The Attribution Notice must clearly show:
- (a) .id's authorship of the replicated work, by inserting the following wording with a live hyperlink to [www.id.com.au](http://www.id.com.au) For example:  
*'Compiled and presented by .id - the population experts [www.id.com.au](http://www.id.com.au)'*  
or  
*'Sourced from .id - the population experts [www.id.com.au](http://www.id.com.au)'*
  - (a) that the replicated work is a derivative of ABS Data by inserting the following wording with a live hyperlink to <http://www.abs.gov.au/>  
*"This material is a derivative of ABS Data that can be accessed from the website of the Australian Bureau of Statistics at [www.abs.gov.au](http://www.abs.gov.au/), and which data can be licensed on terms published on the ABS website."*
  - (c) that any replication of identified third party data belongs to the identified owner or authorised licensee. Any replication must comply with content or product terms of use published by the relevant third party.

An example of an acceptable Attribution Notice is as follows:

*Much of the content of this Report has been sourced from .id – the population experts [www.id.com.au](http://www.id.com.au) .id and its licensors are the sole and exclusive owners of all rights, title and interest subsisting in that part of the Report content where .id or other content providers are identified. Some of the .id sourced content is a derivative of ABS Data, which data can be accessed from the website of the Australian Bureau of Statistics at [www.abs.gov.au](http://www.abs.gov.au/), and licensed on terms published on the ABS website.*

## 7. FEES

- 7.1 The Client must pay to .id the Fees as set out in Schedule 1.
- 7.2 .id will invoice the Client for Fees as and when they fall due in accordance with Schedule 1.
- 7.3 .id may at its discretion increase the Annual Product Fees on each anniversary of the Commencement Date provided .id gives the Client written notice of its intention to do so at least

thirty (30) days before the anniversary date. Where there is an agreed fixed term .id may not increase the Annual Product Fees during the fixed term unless stated otherwise in Schedule 1.

- 7.4 Notwithstanding the above, the Annual Product Fees are calculated based on the geographic breakdown current at the signing of this Agreement. If the Client requests geographic changes then additional fees will be charged.

## **8. GST**

- 8.1 All amounts payable under this Agreement are expressed exclusive of GST.
- 8.2 In respect of any taxable supply, the Client must pay to .id an additional amount equal to the prevailing GST rate, payable at the same time and in the same manner as the Fees, subject to the receipt by the Client of a valid tax invoice.

## **9. CONFIDENTIAL INFORMATION**

- 9.1 Except to the extent expressly permitted or required by this Agreement, each party must not use or disclose any of the other party's Confidential Information.
- 9.2 Each party may disclose the Confidential Information of the other party:
- (a) when required to do so by law;
  - (b) to its Personnel whose duties reasonably require such disclosure, or to its professional advisors, but only on condition that the party making such disclosure:
    - (i) ensures that each such person to whom such disclosure is made is informed of the confidentiality of the information and the obligations of confidentiality under this Agreement; and
    - (ii) ensures that each such person to whom such disclosure is made complies with those obligations as if they were bound by them.
- 9.3 Each party must not disclose the terms of this Agreement to any other person, except in accordance with clauses 9.1 and 9.2.
- 9.4 Each party must establish and maintain effective security measures to prevent any unauthorised use or disclosure of, or unauthorised access, loss or damage to, the Confidential Information of the other party.
- 9.5 The provisions of this clause 9 will survive the termination of the Agreement for any reason

## **10. DISCLAIMERS**

### **10.1 Third Party Content and Client Content**

The Client acknowledges and accepts that Third Party Content and Client Content may be used in the Product and accordingly, to the extent permitted by Law:

- (a) .id does not represent, warrant or accept liability in relation to the accuracy, currency, reliability, or quality of the Third Party Content or Client Content used within a Product;
- (b) .id does not represent or warrant that Third Party Content or Client Content is free from errors or omissions; and
- (c) .id disclaims all warranties, representations or endorsements, express or implied, with regard to Third Party Content and Client Content, including implied warranties of merchantability, fitness for purpose or non-infringement of Intellectual Property Rights.

### **10.2 Forecasts**

The Client acknowledges and accepts in respect of the Forecasts that:

- (a) .id recommends that Forecasts are only used in a scenario planning sense and subject to the observations set out below;
- (b) although due care and attention is used by .id in the preparation of Forecasts, forecasts by their very nature are subject to uncertainty and contingencies many of which are outside the control of .id;
- (c) .id provides Forecasts in good faith but the accuracy, relevancy and correctness of such Forecasts is subject to variation as a result of changes in the ABS Data and other factors outside of the control of .id including environmental, political, legal and seasonal changes;

- (d) actual future results may vary from Forecasts and any variation may produce materially positive or negative future results, for which .id shall bear no liability whatsoever;
- (e) by providing Forecasts, .id should not be considered as giving a recommendation in relation to the subject matter of such Forecasts; and
- (f) .id gives no warranty nor bears any liability whatsoever arising from, or in connection with, the use of the Forecasts by the Client or any third party claiming through the Client.

### 10.3 ABS Data

Where .id Content is based on ABS Data, the Client acknowledges and accepts in respect of that ABS based data that:

- (a) .id makes no representation whatsoever that it has any ownership in the copyright to the ABS Data;
- (b) .id gives no warranty nor bears any liability whatsoever:
  - (i) with respect to the correctness, accuracy, currency, completeness, relevancy or otherwise of the ABS Data; and
  - (ii) arising from, or in connection with, the use of the ABS Data by the Client or any third party claiming through the Client.

## 11. SCOPE OF LIABILITY & INDEMNITY

### 11.1 Client responsible for use

- (a) The Client acknowledges that it should exercise reasonable judgment and care in its use of the Product and any .id Content.
- (b) .id accepts no responsibility for the Product, any .id Content or any part of them being used or relied upon by anyone other than the Client.
- (c) The Client shall be solely responsible for:
  - (i) any Loss suffered or incurred by the Client, its Personnel, and/or by any third party directly or indirectly;
  - (ii) any Claim made against the Client or .id by a third party,  
in connection with or arising out the use or direct or indirect reliance on the Product by any person or entity.
- (b) The Client indemnifies and continues to indemnify .id and its Personnel from and against any Loss incurred or arising from:
  - (i) any use of, or direct or indirect reliance on, the Product by any person or entity;
  - (ii) any breach of clause 6 of this Agreement [Intellectual Property Rights] by the Client or its Personnel.

### 11.2 Limitation of Liability

- (a) Subject to clause 11.2(d) and to the extent permitted by law, each party's aggregate liability to the other party for any Loss arising out of or in connection with this Agreement shall not exceed 100% of the Fees paid or payable by the Client to .id during the 12-month period immediately preceding the Loss, regardless of the cause or form of action.
- (b) Subject to clause 11.2(d) and to the extent permitted by Law, under no circumstances will either party be liable for any Consequential Loss.
- (c) The limitations and exclusions in clause 10.2(a) and (b) shall apply whether the action, claim or demand arises from breach of contract, tort (including negligence) or under any other theory or liability.
- (d) Clause 11.2(a) does not apply to, and shall not limit:
  - (i) any party's liability for death or personal injury caused by that party or its Personnel;
  - (ii) any party's liability for fraud (including fraudulent misrepresentation);
  - (iii) any party's liability for violation of Intellectual Property Rights;
  - (iv) the Client's liability for payment of Fees due.

- (e) The liability of .id for any breach of any condition or warranty implied pursuant to the Competition and Consumer Act 2010 (Cth) or equivalent State legislation is limited, at .id's option, to the supplying of the Product and/or Services again.

### 11.3 Acknowledgements

- (a) Except as provided in this Agreement or to the extent permitted by law, all terms, warranties, undertakings, inducements and representations made by .id are excluded from this Agreement.
- (b) The Client acknowledges that Product updates will be provided at such times and by such means as .id reasonably decides from time to time.
- (c) The Client acknowledges that .id may from time to time without notice to the Client suspend the Services and/or the provision of the Product due to technical failure, modification or maintenance of the Product and/or Services. Reasonable notice will be provided to the Client for all planned service maintenance.
- (d) The Client acknowledges that the .id Content can be accessed through .id's web-based platform during the term of the Agreement, and once the Term ends access will cease.
- (e) The Client confirms that Client Content does not and will not contain any Personal Information.

## 12. TERMINATION

12.1 Subject to clause 13 of this Agreement either party may terminate this Agreement immediately by written notice to the other party (the Defaulting Party) if:

- (a) the Defaulting Party is in breach of a material term of this Agreement and such breach is not remedied within 30 days of a written notice of the breach, requiring it to be remedied; or
- (b) an insolvency event occurs in respect of the Defaulting Party (other than an internal reconstruction of that entity) and is not dismissed within ten (10) days.

## 13. CONSEQUENCES OF TERMINATION

13.1 If this Agreement is terminated or expires for any reason, then, in addition and without prejudice to any other rights or remedies available:

- (a) the parties are immediately released from their obligations under the Agreement except those obligations in clauses 6, 9, 10 and 11 and any other obligations that, by their nature, survive termination;
- (b) each party retains the claims it has against the other pursuant to this Agreement;
- (c) the Client's right to use the Product and the Trade Marks immediately ceases and the licences granted under this Agreement immediately terminate;
- (d) .id will immediately remove online access to the Product;
- (e) .id can retain any monies paid pursuant to this Agreement and in particular the Annual Product Fees for that year in which the Agreement is terminated. However, where the Agreement has been terminated by the Client due to material breach of the Agreement by .id, and such breach has been established by agreement of .id, or through mediation or litigation, then .id must repay the Annual Product Fee paid in advance for that proportion of the year in which the Product is not available for the Client's use.

## 14. FORCE MAJEURE

.id shall not be liable for any delay or failure to perform its obligations if such failure or delay is due to a Force Majeure Event. .id must notify the Client as soon as practicable of any anticipated delay due to a Force Majeure Event. If a delay due to a Force Majeure Event exceeds 90 days, either party may terminate this Agreement immediately on providing notice to the other. If the Client gives such notice to .id, .id must refund the Annual Product Fee paid in advance for that proportion of the year in which the Force Majeure Event occurs and the Product is not available for the Client's use.

## 15. MARKETING

The Client agrees that .id may refer to the Client by trade name and trademark if applicable, and may briefly describe the Client's business in .id's marketing materials and website.

## 16. DISPUTE RESOLUTION

- 16.1 Any dispute or difference arising out of or in connection with this Agreement between the parties (Dispute) shall be resolved in accordance with clause.
- 16.2 The party raising the Dispute (Disputing Party) must first serve a notice of dispute upon the other party with whom the Disputing Party has the dispute or difference (Respondent).
- 16.3 The notice of Dispute must:
- (a) set out the scope of the Dispute and outline any relief sought;
  - (b) outline any relevant facts or other pertinent information that relates to the Dispute and/or that the Disputing Party seeks to rely upon; and
  - (c) nominate such date(s) and venue(s) within the next five (5) Business Days that the Disputing Party is available to meet with the Respondent to discuss and attempt to resolve the Dispute on a without prejudice basis.
- 16.4 Representatives of the Disputing Party and the Respondent must use reasonable endeavours to meet within the specified time-frame, to discuss and attempt to resolve the Dispute in good faith and on a without prejudice basis.
- 16.5 If the parties fail to resolve the Dispute, then either Party may refer the Dispute to mediation by further notice in writing. The reference to mediation must include the referring party's nomination for a mediator. Should the Dispute be referred to mediation then the Disputing Party and the Respondent agree to participate in good faith mediation of the Dispute. The mediation shall be administered in accordance with, and subject to, the IAMA Rules, subject to the following prevailing conditions:
- (a) the mediation shall be held in Melbourne, Australia unless the parties otherwise agree in writing;
  - (b) if the parties have not agreed to the identity of the mediator within five (5) Business Days of the reference to mediation (or such further time as may be agreed in writing), the mediator shall be appointed by the President of IAMA or his/her nominee; and
  - (c) the parties will use reasonable endeavours to conduct the mediation within as short a time-frame as can be reasonably arranged.
- 16.6 For the avoidance of doubt a Dispute must not be litigated unless a mediation has been held or clause 15.7 otherwise applies.
- 16.7 This clause does not prevent any party from obtaining any injunctive, declaratory or other interlocutory relief from a court which may be urgently required.

## 17. NOTICES

All notices and statements to be given by one party to the other shall be sent or delivered to the address specified in this Agreement or at such other address as one party may notify the other in writing.

## 18. APPLICABLE LAWS

This Agreement shall be construed in accordance with the laws applicable in the State of Victoria, Australia, and the parties hereby submit to the non-exclusive jurisdiction of the Courts in Victoria.

## 19. WAIVER

No failure or delay by a party to exercise any right, power or remedy operates as a waiver, nor does any single or partial exercise of any such right, power or remedy preclude any other further exercise of them, or the exercise of any other right, power or remedy.

## 20. SIGNATURES & COUNTERPARTS

- 20.1 This document may be executed in any number of counterparts, all of which taken together are deemed to constitute the same document.
- 20.2 A Party may execute this Agreement with a digital signature generated by DocuSign or Adobe Sign, or by any other generally accepted technology which the parties agree satisfies applicable requirements for execution by digital signature of the document (including requirements of the Electronic Transactions Act 1999 (Cth) and any equivalent State or Territory legislation). A Party

who receives such a digital signature may assume that such execution was validly and lawfully performed by the other party.

## 21. APPLICATION OF THE AGREEMENT

This Agreement constitutes the entire Agreement between the parties and supersedes all prior agreements pertaining to the Product or Services.

## Execution

### Executed by the parties

by being signed by a person who is authorised to sign for the named organisation

Signed on behalf of  
**ID Consulting Pty Ltd**

\_\_\_\_\_  
Full name of authorised officer [please print]

Signed on behalf of  
**the Client**

\_\_\_\_\_  
Full name of authorised officer [please print]



## Schedule 1 – contract details

### Item 1 – client details

Client name: Burdekin Shire

Client address: 145 Young St, Ayr, Qld, 4807

Client contact person: Tony Blackwell

Email: [tony.blackwell@burdekin.qld.gov.au](mailto:tony.blackwell@burdekin.qld.gov.au) Phone: 07 4783 9830

### Item 2 – commencement date

14/03/2023 – or the date this agreement is signed by both parties, whichever is later.

The Term of the Agreement is as stated below.

**Term** 12 months then ongoing until cancelled

**Subsequent Terms** – Optional – 3 year full payment upfront

### Item 3 – product (s)

profile.id®

### Item 4 – annual product fees

Burdekin Shire	Annual fee	GST	total
<b>profile.id</b> <ul style="list-style-type: none"> <li>Including 4 small areas</li> <li>2001-2021 Census data</li> <li>Annual population and migration updates</li> <li>Locality snapshots for each locality at 2021 Census</li> <li>Monthly building approval and JobSeeker updates</li> </ul>	\$6,600	\$660	<b>\$7,260</b>
(Option) – 3 year payment upfront (through to 14/03/2026) – fixed fee for the term.	\$18,600	\$1,860	<b>\$20,460</b>



### Invoice Payment Terms

Each invoice is payable by the Client within thirty (30) days of the date of the invoice.

### Item 5 - On-Line & Telephone Support

.id will provide to the Client technical support during business hours [9am to 5pm on business days in Melbourne] and the Client can access such technical support as follows:

By email: support@id.com.au

By phone: (03) 9417 2205

### Item 6 – additional services

.id will provide the Client with the following services:

- ▣ Development of the Product
- ▣ Hosting and maintenance of Product websites
- ▣ Staff Training sessions to ensure maximum take-up of the product across Council and to encourage the increased use of demographic evidence in decision making
- ▣ Advice and ordering of demographic data sets for specific projects
- ▣ Unlimited telephone support for technical and demographic assistance
- ▣ Web statistics for monitoring product uptake and usage via a client portal login
- ▣ Unlimited users
- ▣ Annual population and dwelling approvals updates.
- ▣ Annual migration and monthly JobSeeker updates
- ▣ Census data update following release every 5 years.
- ▣ Executive briefing emphasising the demographic trends at work in the LGA and their strategic implications

## Schedule 2 – profile.id geographic areas

The small area geography is based on the following principles:

- ▣ A sufficient population base to provide credible analysis and ensure minimal impact of data randomisation (1,000 persons minimum, 2,000 ideal)
- ▣ Reflect standard geography (e.g. gazetted localities) where possible
- ▣ Represent communities of interest wherever possible

City of Melbourne	
LGA	Burdekin Shire
Benchmarks	Regional Queensland Townsville – North West Queensland region Queensland Australia
Selected small areas	<ol style="list-style-type: none"> <li>1. Ayr and surrounds</li> <li>2. Brandon and surrounds</li> <li>3. Giru – Rural west</li> <li>4. Home Hill – rural south</li> </ol> <p>See attached map for proposed area boundaries</p>
Locality snapshots (2021 Census data only)	Census 2021 (or latest) data for 36 individual localities in Burdekin Shire.

### **6.3.1. FINANCIAL AND ADMINISTRATIVE SERVICES**

#### **Monthly Financial Report - March 2023**

##### **Recommendation**

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

##### **Attachments**

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

The following report provides a summary of Council's financial performance to 31 March 2023.

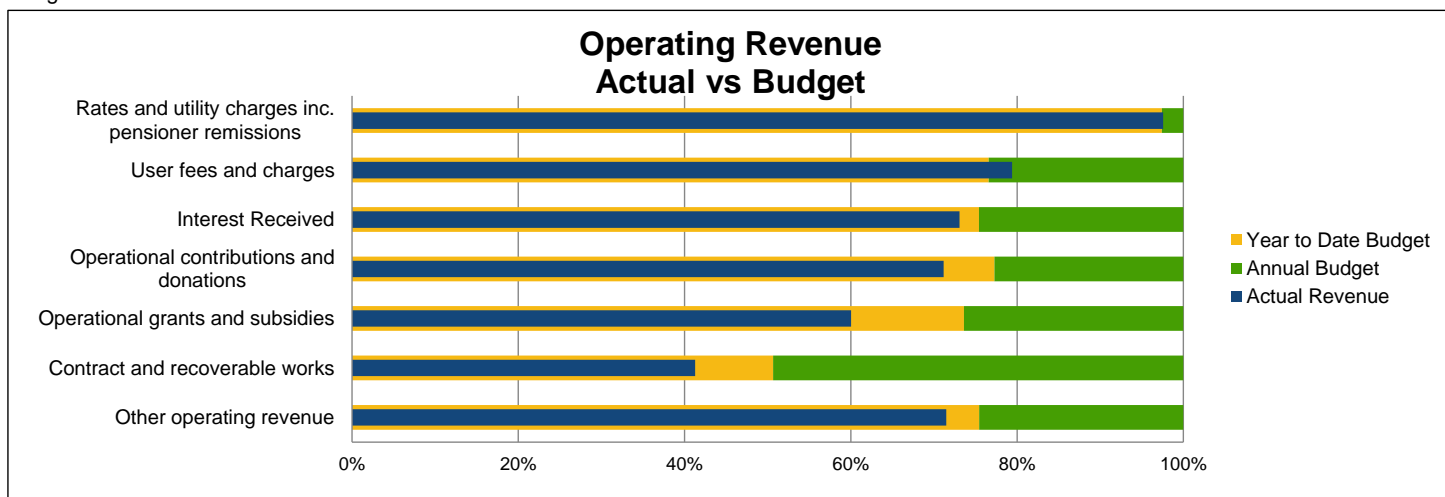
The revised budget was adopted by Council on 28 March 2023. This report has been prepared using the second revised budget.

## FINANCIAL STATEMENTS AT A GLANCE

As at 31 March 2023	Actual \$	Annual Budget \$	YTD Revised Budget \$	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Total Operating Revenue	49,521,778	54,922,540	50,211,410	-689,632	-1%
Total Operating Expenses	39,486,153	56,882,473	41,734,907	-2,248,754	-5%
<b>Operating Position</b>	<b>10,035,625</b>	<b>-1,959,933</b>	<b>8,476,503</b>	<b>1,559,122</b>	<b>18%</b>
Capital Revenue	11,123,670	12,233,726	12,233,726	-1,110,056	-9%
<b>Net Result</b>	<b>21,159,295</b>	<b>10,273,793</b>	<b>20,710,229</b>	<b>449,066</b>	<b>2%</b>

This report contains financial information for the period ending 31 March 2023. Council's operating position at month end is a \$10M surplus.

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

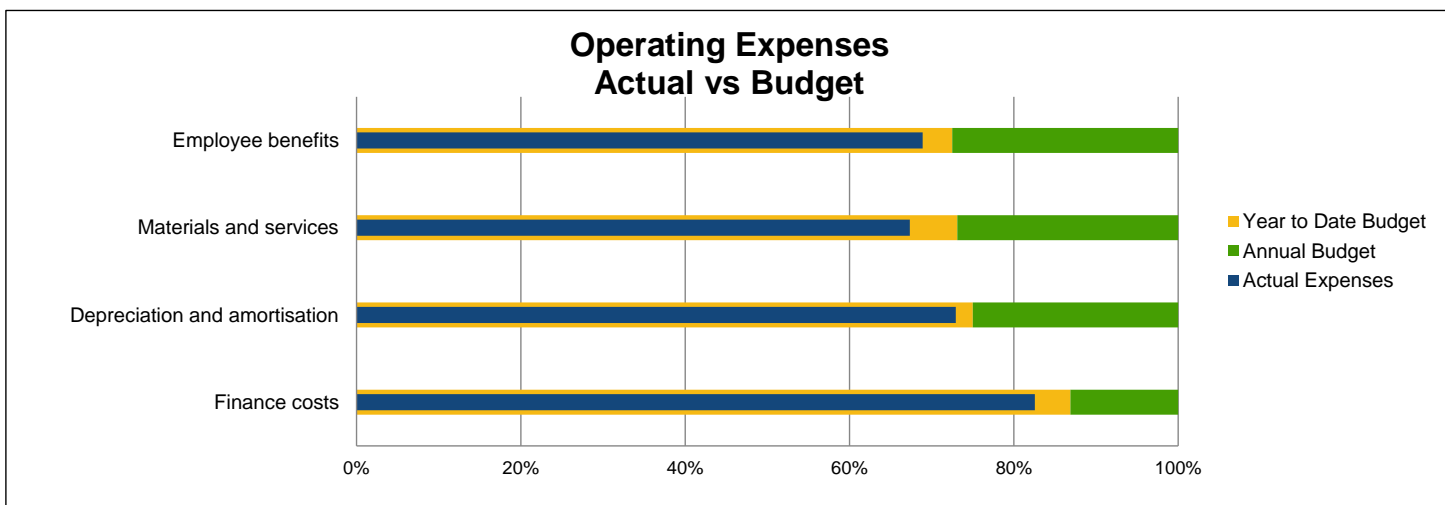


### Under Budget:

- Operational grants and subsidies: Under budget due to timing of QRA funding.
- Contract and recoverable works: Roads Maintenance Performance Contract income under budget due to timing of works.

### Over Budget:

- User fees and charges: Higher level of development applications for building, trade waste charges, and higher caravan park takings.



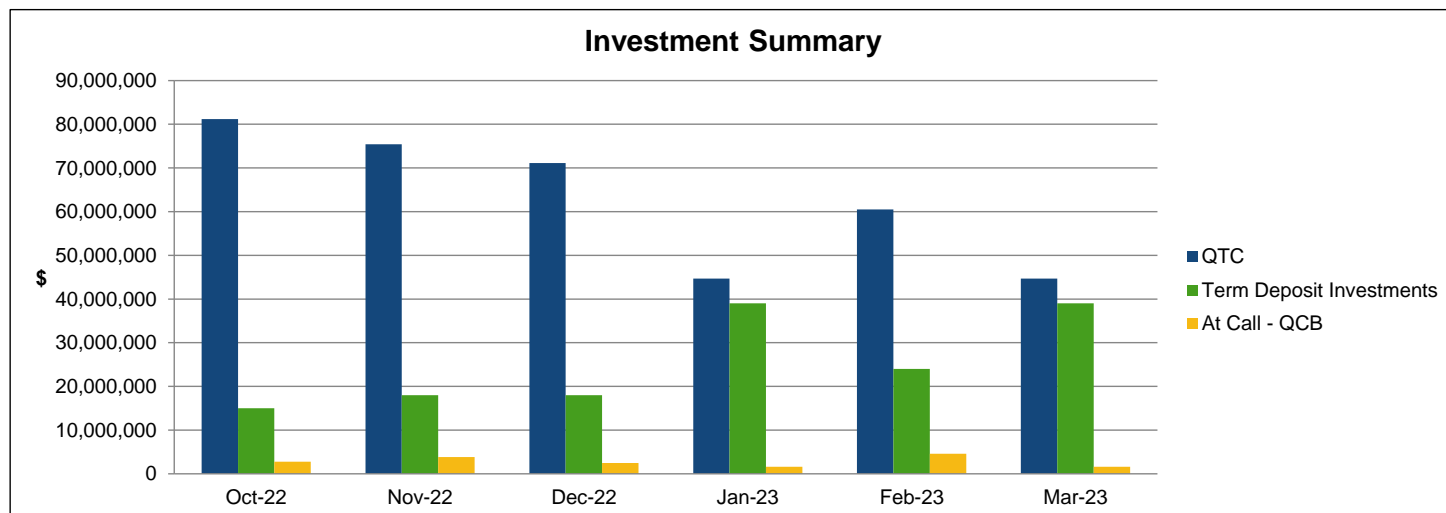
### Under Budget:

- Materials and services: Major variances are QRA Recoverable works, road maintenance, and recoverable works expenditure as identified in program reports.
- Employee Benefits: Under budget due to timing of payroll transactions.

## INVESTMENT PORTFOLIO

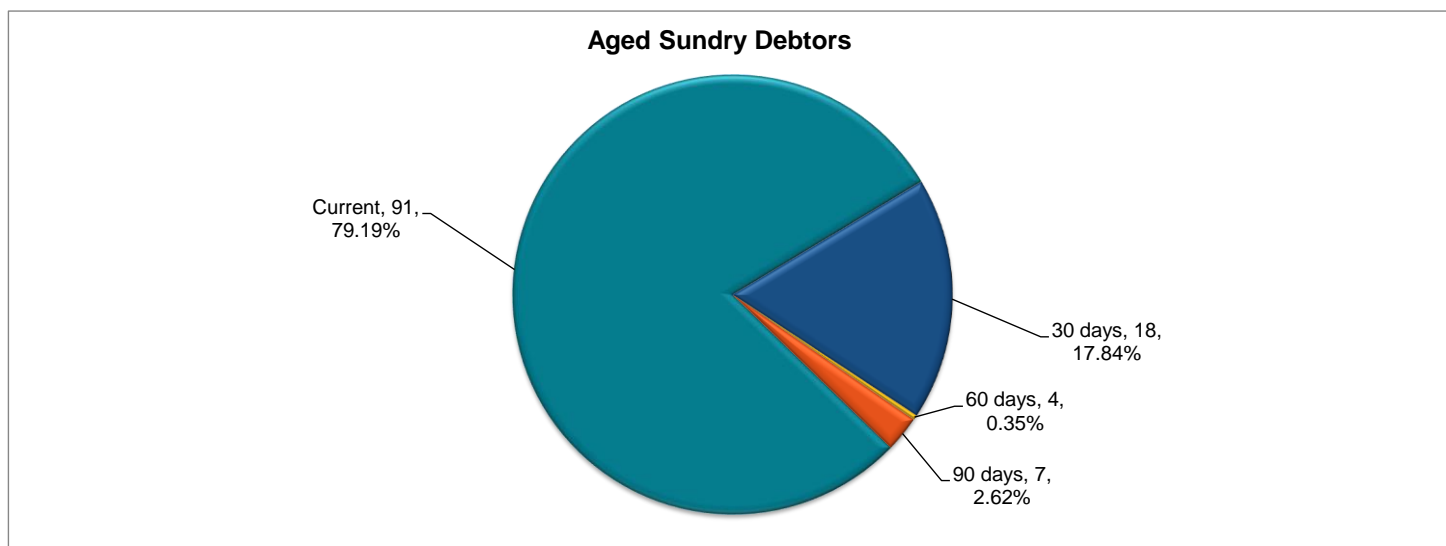
### Investment Report as at 31 March 2023 (including at call cash)

	Total Invested	Average Current Rate Weighted	% Invested
Bendigo	4,000,000	4.15%	4.7%
CBA	15,000,000	4.18%	17.6%
NAB	8,000,000	4.30%	9.4%
Suncorp	12,000,000	4.46%	14.1%
QTC	44,686,785	4.01%	52.4%
QCB General	1,619,525	2.05%	1.9%
<b>Total Funds</b>	<b>\$85,306,310</b>		



## SUNDRY DEBTORS

Total outstanding Sundry Debtors as at 31 March 2023 are \$182,075.34.

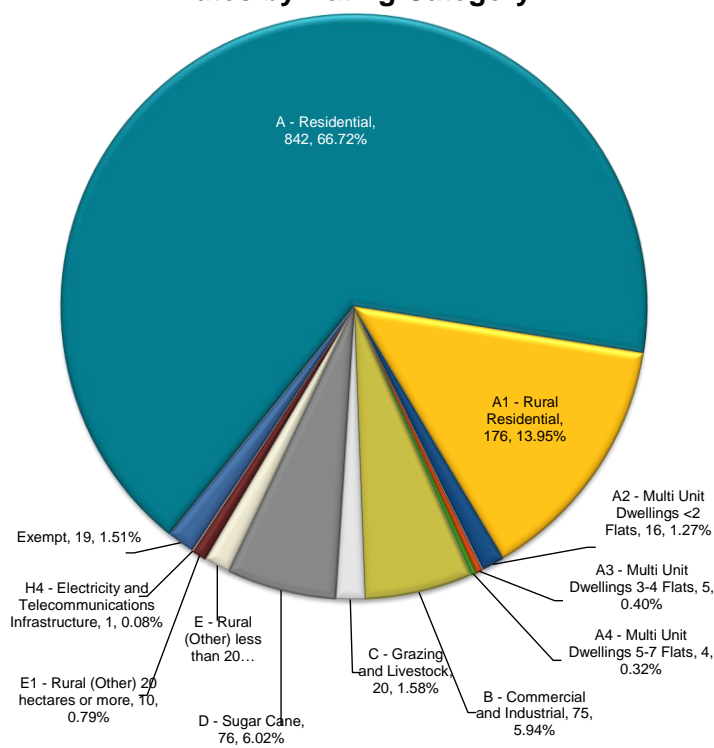


# RATES

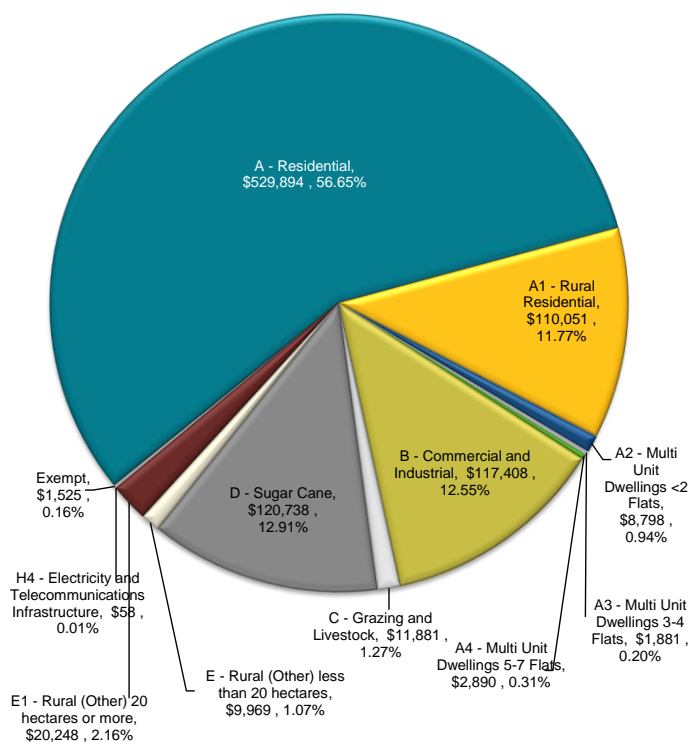
Arrears as at 1 July 2022		\$518,242
Levy and fees raised *	\$44,893,318	
Interest charged *	\$100,457	
Less Pensioner subsidy and rebate	\$663,617	\$44,330,158
Payments received		<u>\$43,915,100</u>
Arrears as at 31 March 2023		<u><u>\$933,300</u></u>
% Arrears March 2023		2.08%
% Arrears March 2022		2.47%
Pre-payments as at 31 March 2023		\$1,481,174
Pre-payments as at 31 March 2022		\$1,416,513

\* includes State Govt Emergency Management Levy

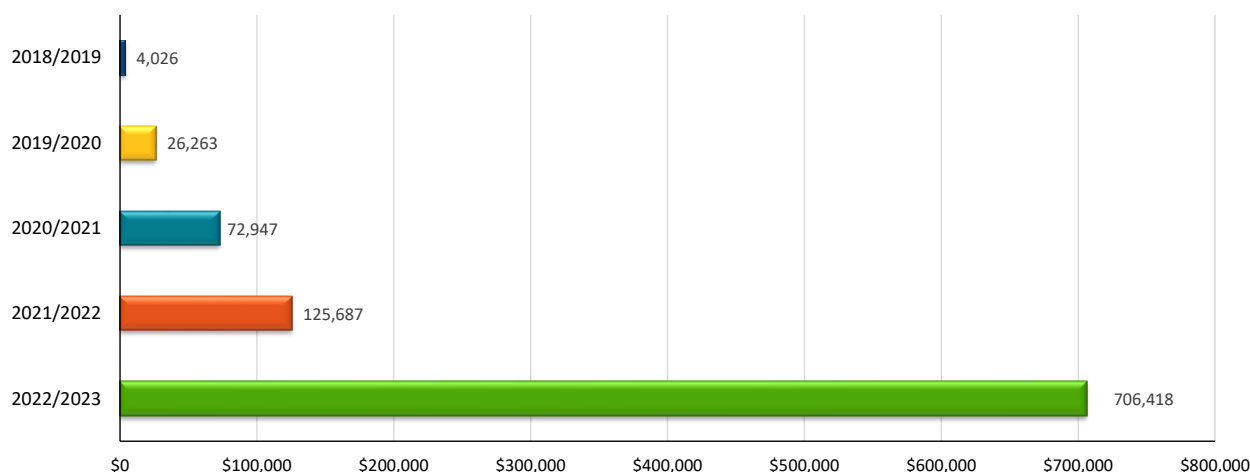
**Number of Properties with Outstanding Rates by Rating Category**



**\$ Value of Outstanding Rates by Rating Category**



**Total Rates Outstanding by Financial Year**



## Collection House - Debt Referral

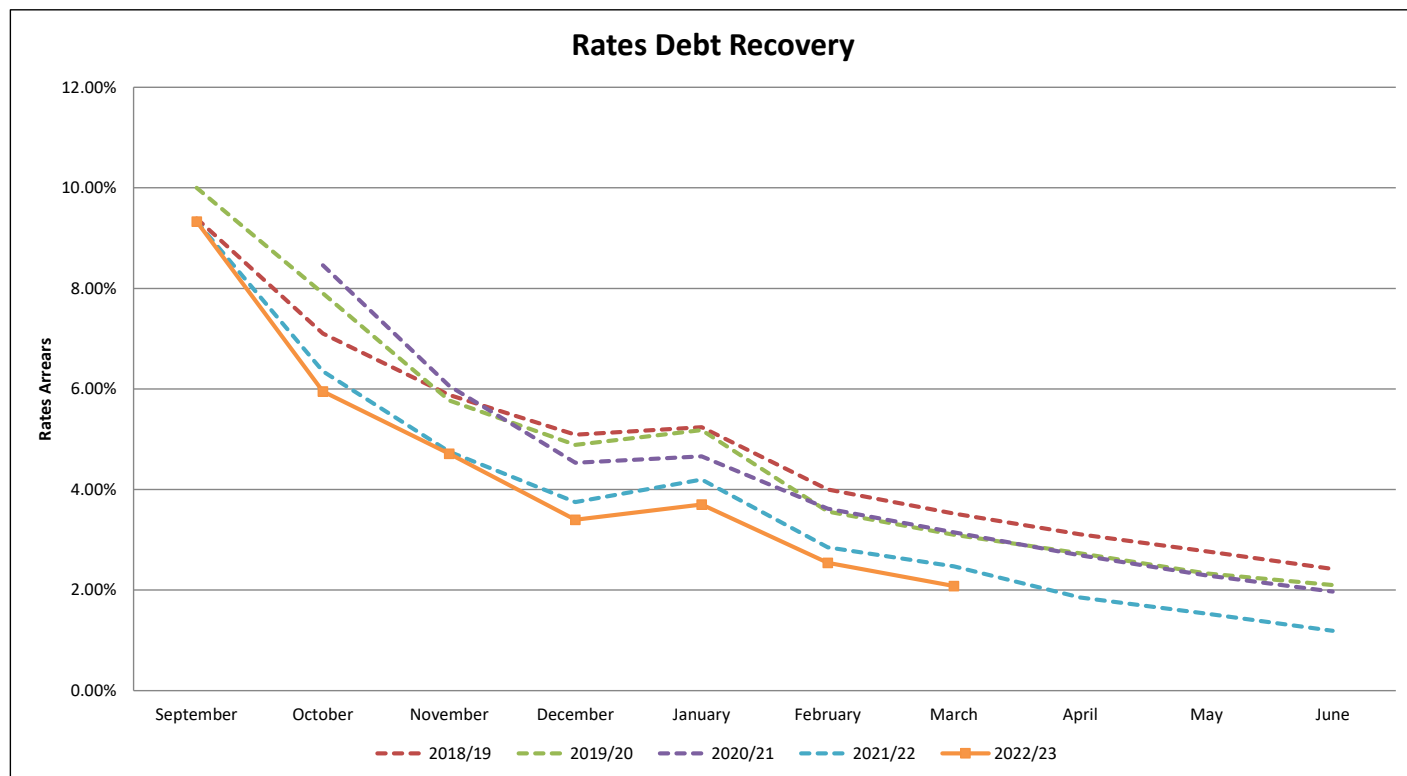
Council currently has 144 active files with Collection House with an outstanding balance of \$376,477.16.

## Council Periodic Payment Plans

Council has 213 formalised periodic payment plans currently in place. These will continue to be monitored by Rates Staff to ensure conformance. In addition, there are three properties with approved Hardship Applications currently on payment plans.

## Collection House - Sale of Land

Council currently has eight properties on the Sale of Land list.





## OVERVIEW OF COUNCIL'S CAPITAL PROJECTS

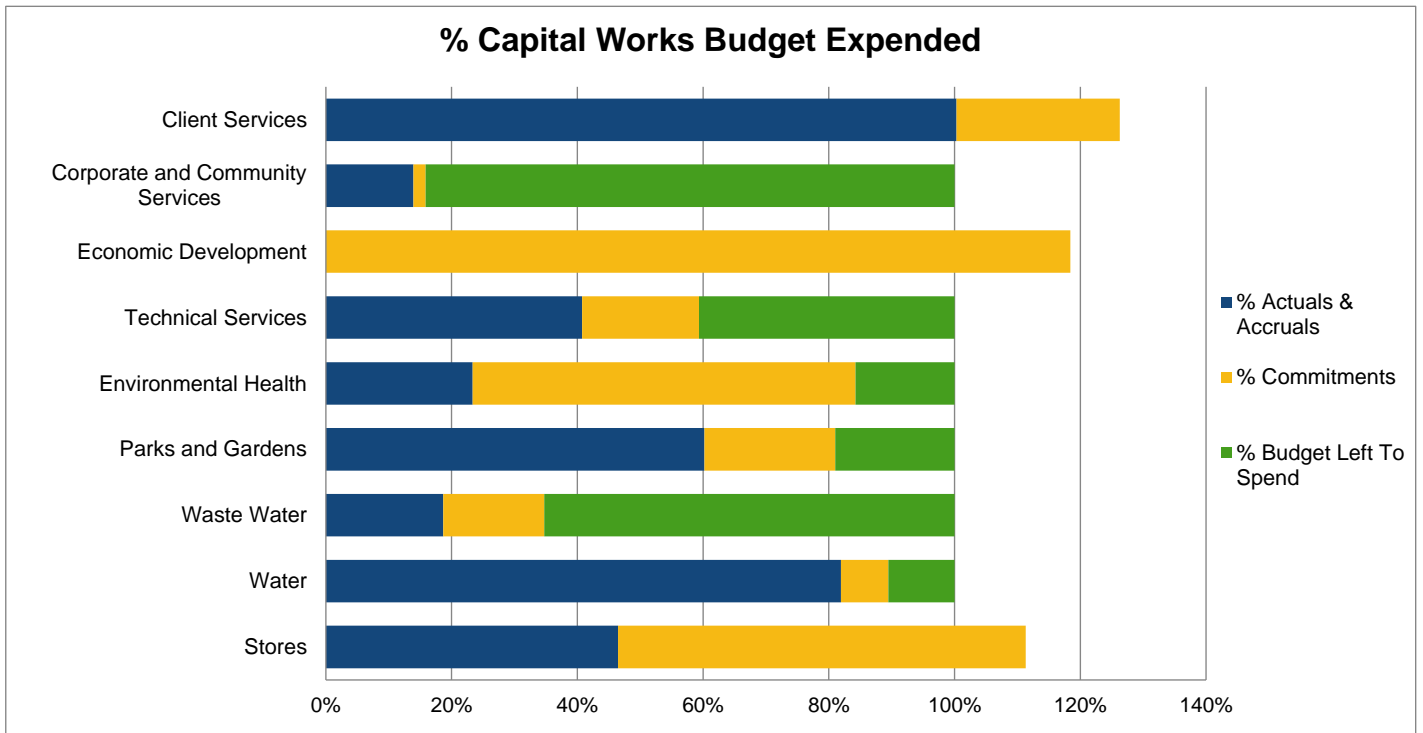
Capital expenditure incurred for the year to 31 March, is shown by asset category in the table below.

Capital project expenditure to 31 March is \$14,674,216. In addition to this, there is \$4,917,828 of commitments. Therefore totalling \$19,592,044.

### Financial Overview by Asset Category

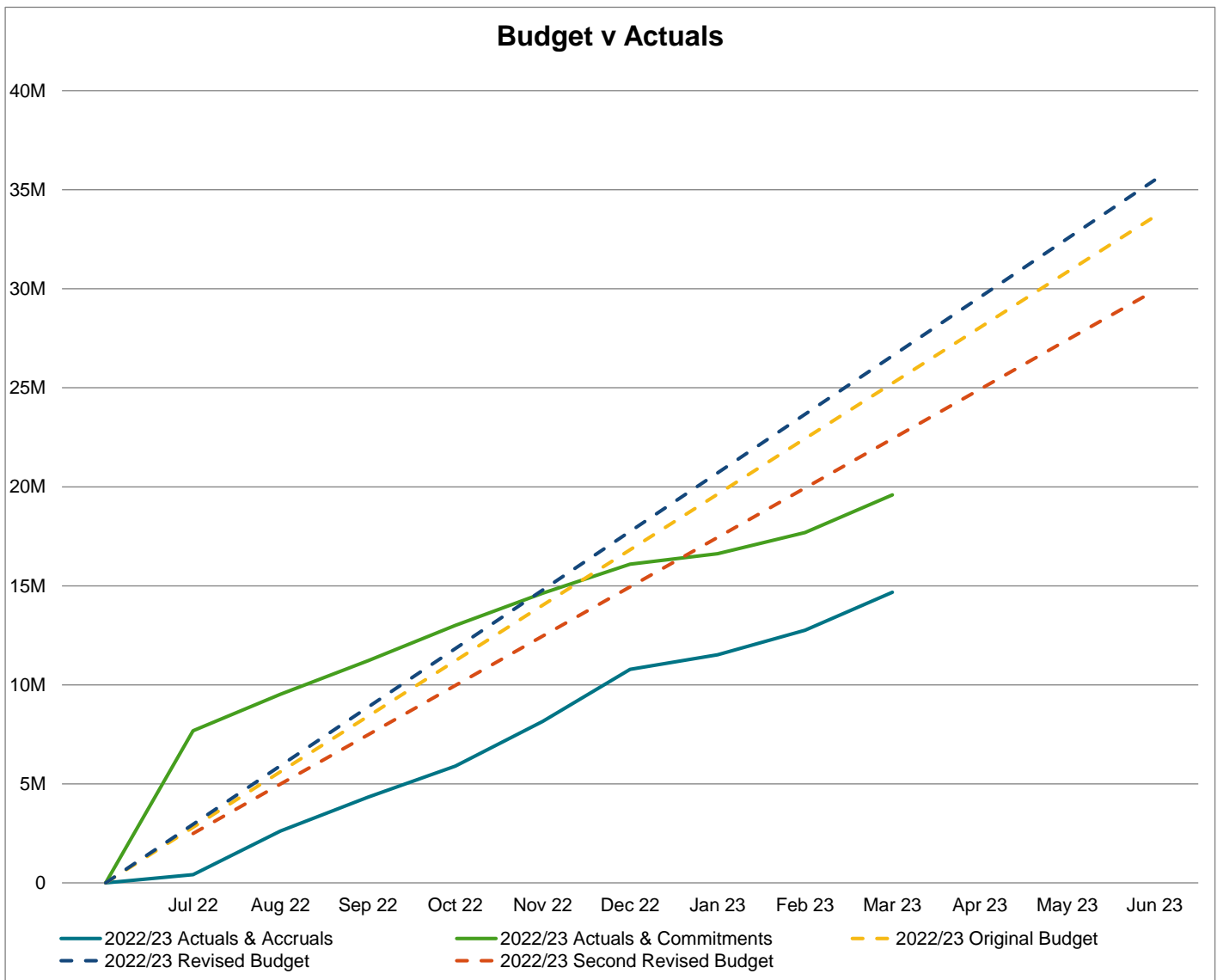
Asset Category	Original Budget	Revised Budget	Actuals & Accruals	Commitments	Total
Client Services	\$ 196,000	\$ 245,400	\$ 246,140	\$ 63,771	\$ 309,911
Corporate and Community Services	\$ 2,622,700	\$ 2,251,922	\$ 313,908	\$ 43,511	\$ 357,419
Economic Development	\$ 30,000	\$ 30,000	\$ -	\$ 35,525	\$ 35,525
Technical Services	\$ 13,199,000	\$ 11,294,353	\$ 4,604,439	\$ 2,097,990	\$ 6,702,429
Environmental Health	\$ 335,000	\$ 562,985	\$ 131,389	\$ 342,897	\$ 474,286
Parks and Gardens	\$ 4,898,520	\$ 6,400,764	\$ 3,853,984	\$ 1,331,405	\$ 5,185,389
Waste Water	\$ 4,250,000	\$ 3,021,882	\$ 564,044	\$ 485,289	\$ 1,049,333
Water	\$ 8,040,483	\$ 5,997,915	\$ 4,913,828	\$ 452,610	\$ 5,366,438
Stores	\$ 75,000	\$ 100,000	\$ 46,484	\$ 64,830	\$ 111,314
<b>TOTAL</b>	<b>\$ 33,646,703</b>	<b>\$ 29,905,221</b>	<b>\$ 14,674,216</b>	<b>\$ 4,917,828</b>	<b>\$ 19,592,044</b>

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



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

## OVERVIEW OF COUNCIL'S CAPITAL PROJECTS



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

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

### APPENDIX 1 - OPERATING STATEMENT BY MANAGER

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

### APPENDIX 2 - TOTAL COUNCIL OPERATING STATEMENT

Attached is the Total Council Operating Statement for your information.

### APPENDIX 3 - STATEMENT OF FINANCIAL POSITION

Attached is the Statement of Financial Position as at 31 March 2023.

### APPENDIX 4 - STATEMENT OF CASH FLOWS

Attached is the Statement of Cash Flows for the period ending 31 March 2023.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Chief Executive Officer**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Operational contributions and donations	0	405	600	-195	-33%
Operational grants and subsidies	0	34,550	44,500	-9,950	-22%
Other operating revenue	1,972	51,795	51,750	45	0%
<b>Total operating revenue</b>	<b>1,972</b>	<b>86,750</b>	<b>96,850</b>	<b>-10,100</b>	<b>-10%</b>
<b>Operating Expenses</b>					
Employee benefits	109,955	940,979	982,676	-41,697	-4%
Materials and services	38,339	188,965	303,240	-114,275	-38%
<b>Total operating costs</b>	<b>148,294</b>	<b>1,129,944</b>	<b>1,285,916</b>	<b>-155,972</b>	<b>-12%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-146,322</b>	<b>-1,043,193</b>	<b>-1,189,066</b>	<b>145,872</b>	<b>-12%</b>
<b>Net result for period</b>	<b>-146,322</b>	<b>-1,043,193</b>	<b>-1,189,066</b>	<b>145,872</b>	<b>-12%</b>

**Comments**

**Operational grants and subsidies**

Variance is due to timing of grant funding for the Sweet Days Hot Nights festival.

**Materials and services**

Variance is due to the timing of expenses associated with staging of the Sweet Days Hot Nights festival in May.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Director of Corporate & Community Services**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	5,281	75,528	74,872	656	1%
Operational contributions and donations	0	11,405	16,500	-5,095	-31%
Operational grants and subsidies	0	84,934	83,404	1,530	2%
Other operating revenue	519	3,275	2,625	650	25%
<b>Total operating revenue</b>	<b>5,800</b>	<b>175,141</b>	<b>177,401</b>	<b>-2,260</b>	<b>-1%</b>
<b>Operating Expenses</b>					
Employee benefits	48,808	433,806	460,105	-26,299	-6%
Materials and services	38,832	528,864	593,957	-65,093	-11%
Depreciation and amortisation	116,153	1,026,589	1,050,900	-24,311	-2%
<b>Total operating costs</b>	<b>203,793</b>	<b>1,989,258</b>	<b>2,104,961</b>	<b>-115,703</b>	<b>-5%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-197,993</b>	<b>-1,814,117</b>	<b>-1,927,561</b>	<b>113,443</b>	<b>-6%</b>
Capital grants and subsidies	69,500	69,500	879,000	-809,500	-92%
Other capital income (expense)	0	-12,062	-12,062	0	0%
<b>Net result for period</b>	<b>-128,493</b>	<b>-1,756,679</b>	<b>-1,060,623</b>	<b>-696,057</b>	<b>66%</b>

**Comments**

**Operational contributions and donations**

Electricity at Home Hill Showgrounds not yet on-charged for last quarter.

**Employee benefits**

Under budget due to timing of payroll transactions.

**Materials and services**

Under budget due to timing of internal audit scheduling, business analyst payments, and pest control at Home Hill courthouse.

**Capital grants and subsidies**

Grant funds received from Regional Airports Program. Grant application for Ayr Industrial Estate was unsuccessful.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Client Services**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Operational grants and subsidies	1,262	35,940	35,940	0	0%
Other operating revenue	143	33,580	42,150	-8,570	-20%
<b>Total operating revenue</b>	1,405	69,520	78,090	-8,570	-11%
<b>Operating Expenses</b>					
Employee benefits	44,019	2,169,584	2,009,247	160,337	8%
Materials and services	70,577	1,766,423	1,796,498	-30,075	-2%
<b>Total operating costs</b>	114,596	3,936,007	3,805,745	130,262	3%
<b>Surplus (deficit) from operating activities</b>	-113,191	-3,866,487	-3,727,655	-138,832	4%
<b>Net result for period</b>	-113,191	-3,866,487	-3,727,655	-138,832	4%

**Comments**

**Other operating revenue**

Under budget due to Queensland Local Government Workcare for reimbursement of wages. Workcare payments are received as the need arises and therefore often varies to budget. Also under budget on scrap metal sales for used ICT equipment.

**Employee benefits**

Over budget due to higher than forecasted Sick Leave and Annual Leave. Due to the amount of leave taken, oncost recoveries are under year to date budget. The Information & Communication Section, Customer Services Centre, HR and Payroll, and Safety sections are all under budget due to excess sick leave and timing of payroll transactions.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Community Services**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	3,490	150,871	169,125	-18,254	-11%
Operational contributions and donations	0	50	0	50	-
Operational grants and subsidies	0	38,098	121,210	-83,112	-69%
Other operating revenue	11,194	55,801	59,813	-4,011	-7%
<b>Total operating revenue</b>	<b>14,684</b>	<b>244,820</b>	<b>350,148</b>	<b>-105,327</b>	<b>-30%</b>
<b>Operating Expenses</b>					
Employee benefits	153,437	1,295,428	1,344,808	-49,380	-4%
Materials and services	98,425	939,583	1,070,564	-130,981	-12%
Depreciation and amortisation	8,663	76,576	78,675	-2,099	-3%
<b>Total operating costs</b>	<b>260,525</b>	<b>2,311,587</b>	<b>2,494,047</b>	<b>-182,460</b>	<b>-7%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-245,841</b>	<b>-2,066,767</b>	<b>-2,143,899</b>	<b>77,133</b>	<b>-4%</b>
Capital grants and subsidies	21,772	65,315	80,000	-14,685	-18%
Other capital income (expense)	0	-6,473	-6,473	0	0%
<b>Net result for period</b>	<b>-224,069</b>	<b>-2,007,924</b>	<b>-2,070,372</b>	<b>62,448</b>	<b>-3%</b>

**Comments**

**User fees and charges**

Under budget due to timing of events. Increased bookings at the Theatre and Memorial Hall in April to June.

**Operational grants and subsidies**

North Queensland Recovery and Resilience Grant for Community Capacity officer has been budgeted to be received monthly, however is paid on completion of milestones.

**Other operating revenue**

Under budget for theatre promotions and bar sales.

**Materials and services**

Under year to date budget due to timing of expenses for the Community Capacity Building Program, with expenditure to increase in the coming months.

**Capital grants and subsidies**

Final quarter of library grant to be received.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Environmental & Health Services - Waste Program**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	4,384	4,254,118	4,251,424	2,694	0%
User fees and charges	65,807	589,740	583,100	6,640	1%
Interest Received	26,813	196,052	204,750	-8,698	-4%
Other operating revenue	14,946	87,350	97,148	-9,798	-10%
<b>Total operating revenue</b>	<b>111,950</b>	<b>5,127,260</b>	<b>5,136,422</b>	<b>-9,162</b>	<b>0%</b>
<b>Operating Expenses</b>					
Employee benefits	70,886	617,329	638,881	-21,553	-3%
Materials and services	390,729	2,024,710	1,931,650	93,060	5%
Depreciation and amortisation	36,659	324,019	329,325	-5,306	-2%
<b>Total operating costs</b>	<b>498,274</b>	<b>2,966,058</b>	<b>2,899,856</b>	<b>66,202</b>	<b>2%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-386,324</b>	<b>2,161,202</b>	<b>2,236,566</b>	<b>-75,364</b>	<b>-3%</b>
<b>Net result for period</b>	<b>-386,324</b>	<b>2,161,202</b>	<b>2,236,566</b>	<b>-75,364</b>	<b>-3%</b>

**Comments**

**Other operating revenue**

Scrap steel income under budget.

**Materials and services**

Over budget as Cleanaway contract payments are not aligned with the budget spread. This is offset by consultants fees for the Energy from Waste Project and the Waste Financial and Pricing Model not yet paid.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Environmental & Health Services excluding Waste Program**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	46	349,499	349,481	18	0%
User fees and charges	37,610	603,335	590,299	13,036	2%
Operational contributions and donations	41,624	98,486	108,119	-9,633	-9%
Operational grants and subsidies	18,750	31,398	26,220	5,178	20%
Other operating revenue	493	13,163	13,940	-777	-6%
<b>Total operating revenue</b>	<b>98,523</b>	<b>1,095,881</b>	<b>1,088,059</b>	<b>7,822</b>	<b>1%</b>
<b>Operating Expenses</b>					
Employee benefits	109,308	1,013,777	1,063,372	-49,595	-5%
Materials and services	143,315	1,439,453	1,428,464	10,988	1%
Depreciation and amortisation	27,967	247,191	255,450	-8,259	-3%
<b>Total operating costs</b>	<b>280,590</b>	<b>2,700,421</b>	<b>2,747,286</b>	<b>-46,865</b>	<b>-2%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-182,067</b>	<b>-1,604,540</b>	<b>-1,659,227</b>	<b>54,687</b>	<b>-3%</b>
Capital grants and subsidies	248,000	2,371,241	3,454,922	-1,083,681	-31%
Other capital income (expense)	0	-8,901	-8,901	0	0%
<b>Net result for period</b>	<b>65,933</b>	<b>757,801</b>	<b>1,786,794</b>	<b>-1,028,993</b>	<b>-58%</b>

**Comments**

**Operational contributions and donations**

Grader Grass Project funding not yet received.

**Operational grants and subsidies**

Coastal Hazard Adaption Strategy grant first milestone payment received: Illegal Dumping grant not yet received.

**Employee benefits**

Under year to date budget due to sick and annual leave taken and timing of payroll transactions.

**Capital grants and subsidies**

Capital budget for design, construction and site works at Burdekin Water Park. Funds to be received as works completed and claims submitted.



**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Financial and Administrative Services**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	7,052	29,038,648	28,975,813	62,835	0%
Pensioner remissions	1,205	-343,515	-350,000	6,485	-2%
User fees and charges	12,041	98,609	100,395	-1,786	-2%
Interest Received	140,992	1,041,290	1,074,250	-32,960	-3%
Operational grants and subsidies	22,815	1,399,531	1,382,390	17,141	1%
Other operating revenue	0	35,301	35,500	-199	-1%
<b>Total operating revenue</b>	<b>184,104</b>	<b>31,269,863</b>	<b>31,218,348</b>	<b>51,515</b>	<b>0%</b>
<b>Operating Expenses</b>					
Employee benefits	152,717	1,295,567	1,355,577	-60,009	-4%
Materials and services	48,042	745,919	834,404	-88,485	-11%
Depreciation and amortisation	43,518	358,986	359,550	-564	0%
Finance Costs	4,045	66,054	69,500	-3,446	-5%
<b>Total operating costs</b>	<b>248,322</b>	<b>2,466,527</b>	<b>2,619,031</b>	<b>-152,504</b>	<b>-6%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-64,217</b>	<b>28,803,336</b>	<b>28,599,317</b>	<b>204,019</b>	<b>1%</b>
Other capital income (expense)	0	-23,776	-23,776	0	0%
<b>Net result for period</b>	<b>-64,217</b>	<b>28,779,560</b>	<b>28,575,541</b>	<b>204,019</b>	<b>1%</b>

**Comments**

**Materials and services**

Under budget mainly due to the spread of Technology One Application Managed Services (AMS) support for the transition to CiA.

**Finance Costs**

Under budget due to receiving refund from bank on merchant fees charged incorrectly.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Operations - General Fund**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	12,183	135,990	135,000	990	1%
Operational contributions and donations	6,745	45,450	46,700	-1,250	-3%
Operational grants and subsidies	1,455	693,540	1,169,065	-475,524	-41%
Contract and recoverable works	35,587	56,508	42,750	13,758	32%
Other operating revenue	1,681	9,305	8,100	1,205	15%
<b>Total operating revenue</b>	<b>57,652</b>	<b>940,794</b>	<b>1,401,615</b>	<b>-460,821</b>	<b>-33%</b>
<b>Operating Expenses</b>					
Employee benefits	386,896	3,546,843	3,894,598	-347,755	-9%
Materials and services	503,644	3,184,924	3,703,959	-519,035	-14%
Depreciation and amortisation	80,744	686,000	735,000	-49,000	-7%
<b>Total operating costs</b>	<b>971,284</b>	<b>7,417,766</b>	<b>8,333,557</b>	<b>-915,790</b>	<b>-11%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-913,633</b>	<b>-6,476,972</b>	<b>-6,931,942</b>	<b>454,970</b>	<b>-7%</b>
Capital contributions	0	5,000	11,750	-6,750	-57%
Capital grants and subsidies	0	47,111	60,120	-13,009	-22%
Other capital income (expense)	-11,325	-141,558	-130,233	-11,325	9%
<b>Net result for period</b>	<b>-924,958</b>	<b>-6,566,419</b>	<b>-6,990,305</b>	<b>423,886</b>	<b>-6%</b>

**Comments**

**Operational grants and subsidies**

QRA grant funding to be received as work is complete and submissions are approved.

**Contract and recoverable works**

Over budget for income received for private works. Income is variable throughout the year and can differ to budget.

**Employee benefits**

Under budget mainly in Roads Maintenance. The ability to execute regular roads maintenance activities has been impacted by persistent rain through to March. With the drier months and the crushing season approaching the workforce focus shifts to roads maintenance and employee costs will increase as a result. Works Supervision, Public Conveniences and Cemeteries are other areas that are under budget. Drainage maintenance is over budget which is anticipated at this time of year.

**Materials and services**

Under budget in recoverable works and road maintenance. The recurring rainfall interruptions has impacted ability to undertake general road maintenance activities and QRA repair works from last years claim.

**Capital grants and subsidies**

Year to date variance relates to LRCIP2 grant acquittal funds received for Giru Tennis Court. No further funds to be received.

**Other capital income (expense)**

Loss from asset disposals in other assets - parks.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Operations - Sewerage**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	-2,134	4,244,983	4,251,136	-6,153	0%
User fees and charges	0	2,754	0	2,754	-
Interest Received	67,812	490,955	507,150	-16,195	-3%
Operational contributions and donations	2,000	2,000	800	1,200	150%
<b>Total operating revenue</b>	<b>67,679</b>	<b>4,740,692</b>	<b>4,759,086</b>	<b>-18,394</b>	<b>0%</b>
<b>Operating Expenses</b>					
Employee benefits	99,407	962,821	996,865	-34,045	-3%
Materials and services	77,033	784,226	807,299	-23,073	-3%
Depreciation and amortisation	130,913	1,157,113	1,189,125	-32,012	-3%
<b>Total operating costs</b>	<b>307,353</b>	<b>2,904,159</b>	<b>2,993,289</b>	<b>-89,130</b>	<b>-3%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-239,674</b>	<b>1,836,533</b>	<b>1,765,797</b>	<b>70,737</b>	<b>4%</b>
Capital grants and subsidies	600,000	1,653,696	1,926,765	-273,069	-14%
Other capital income (expense)	0	-66,990	-66,990	0	0%
<b>Net result for period</b>	<b>360,326</b>	<b>3,423,238</b>	<b>3,625,572</b>	<b>-202,333</b>	<b>-6%</b>

**Comments**

**Capital grants and subsidies**

Grant funds received from the State Government Department of Regional Development, Manufacturing and Water for the Macro Algae Earthworks project.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Operations - Water**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	-1,535	3,954,626	3,956,200	-1,574	0%
User fees and charges	17,143	74,033	68,700	5,333	8%
Interest Received	35,231	255,684	261,641	-5,957	-2%
Operational contributions and donations	0	16,000	16,000	0	0%
Other operating revenue	0	0	900	-900	-100%
<b>Total operating revenue</b>	<b>50,839</b>	<b>4,300,343</b>	<b>4,303,441</b>	<b>-3,099</b>	<b>0%</b>
<b>Operating Expenses</b>					
Employee benefits	117,480	923,104	984,692	-61,588	-6%
Materials and services	147,657	1,359,491	1,509,625	-150,134	-10%
Depreciation and amortisation	75,049	663,095	724,125	-61,030	-8%
<b>Total operating costs</b>	<b>340,186</b>	<b>2,945,690</b>	<b>3,218,442</b>	<b>-272,752</b>	<b>-8%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-289,347</b>	<b>1,354,652</b>	<b>1,084,999</b>	<b>269,653</b>	<b>25%</b>
Capital grants and subsidies	0	1,625,194	3,600,000	-1,974,806	-55%
Other capital income (expense)	0	-23,021	-23,021	0	0%
<b>Net result for period</b>	<b>-289,347</b>	<b>2,956,825</b>	<b>4,661,978</b>	<b>-1,705,153</b>	<b>-37%</b>

**Comments**

**Employee benefits**

Under budget in Water Operational, Water Production and Property Connections and over budget in Water Reticulation. Expected return of employee from long term sick leave in March and the second half water meter readings will reduce the current variance following an extended period with unfilled vacancies.

**Materials and services**

Under budget is largely attributable to electricity savings in water production and lower bulk water charges for Giru water supply.

**Depreciation and amortisation**

Under budget due to timing of capital works.

**Capital grants and subsidies**

Variation will reduce significantly upon final acquittal of the State Government Special Purpose Grant for the Ayr Water Supply.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Planning and Development**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	31,017	361,883	337,500	24,383	7%
Other operating revenue	0	40	0	40	-
<b>Total operating revenue</b>	31,017	361,923	337,500	24,423	7%
<b>Operating Expenses</b>					
Employee benefits	85,617	819,542	869,250	-49,708	-6%
Materials and services	97,778	338,683	280,963	57,720	21%
<b>Total operating costs</b>	183,396	1,158,225	1,150,212	8,013	1%
<b>Surplus (deficit) from operating activities</b>	-152,378	-796,301	-812,712	16,411	-2%
<b>Net result for period</b>	-152,378	-796,301	-812,712	16,411	-2%

**Comments**

**User fees and charges**

Over budget due to the large volume of development applications being received.

**Employee benefits**

Under budget due to staff leave and timing of payroll transactions.

**Materials and services**

Actuals are exceeding budget due to legal expenses associated with current appeals at the Planning and Environment Court and other enforcement actions undertaken.

**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

**Manager Technical Services**

	Month of March Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	15,509	207,190	159,000	48,190	30%
Operational grants and subsidies	10,678	59,792	53,335	6,457	12%
Contract and recoverable works	152,003	831,499	1,047,500	-216,001	-21%
Other operating revenue	1,440	10,309	4,616	5,693	123%
<b>Total operating revenue</b>	179,630	1,108,790	1,264,451	-155,661	-12%
<b>Operating Expenses</b>					
Employee benefits	194,236	1,659,848	1,899,800	-239,952	-13%
Materials and services	-11,035	-175,812	-10,360	-165,452	1597%
Depreciation and amortisation	684,982	6,076,475	6,193,125	-116,650	-2%
<b>Total operating costs</b>	868,184	7,560,511	8,082,564	-522,053	-6%
<b>Surplus (deficit) from operating activities</b>	-688,554	-6,451,721	-6,818,113	366,392	-5%
Capital contributions	0	4,388,134	978,000	3,410,134	349%
Capital grants and subsidies	0	1,316,164	1,616,390	-300,226	-19%
Other capital income (expense)	-33,862	-134,903	-101,765	-33,138	33%
<b>Net result for period</b>	-722,416	-882,326	-4,325,488	3,443,162	-80%

**Comments**

**User fees and charges**

Trade waste income higher than anticipated mainly from septage receival income.

**Operational grants and subsidies**

Year to date under budget for fuel tax credits due to budget spread.

**Contract and recoverable works**

Roads Maintenance Performance Contract income under budget due to timing of works.

**Other operating revenue**

Over budget due to receiving insurance fuel rebate subsidy and fuel edge credit.

**Employee benefits**

Under budget due to staff vacancies in the following areas - Technical Services, Asset Management Unit, Workshop and Project Manager, staff leave and timing of payroll transactions.

**Materials and services**

Under budget due to timing of recoverable works expenditure and consultancy payments for asset valuations and Technology One Asset Management.

**Capital contributions**

Contribution for damaged local roads received in full in August, with projects to be completed over two years. Funds unspent at 30 June will be recognised as a Contract Liability.

**Capital grants and subsidies**

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

**Other capital income (expense)**

Loss from transport asset disposals.

**BURDEKIN SHIRE COUNCIL**  
**OPERATING STATEMENT**  
**Period Ending 31 March 2023**

Appendix 2

	Month of March Actual	Year to Date Actual	Revised Budget	Year to Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>						
Rates and Utility Charges	7,814	41,841,873	42,884,054	41,784,054	57,819	0%
Pensioner remissions	1,205	-343,515	-350,000	-350,000	6,485	-2%
User fees and charges	200,081	2,299,934	2,896,538	2,217,991	81,943	4%
Interest Received	270,848	1,983,981	2,715,055	2,047,791	-63,810	-3%
Operational contributions and donations	50,370	173,796	244,219	188,719	-14,923	-8%
Operational grants and subsidies	54,960	2,377,783	3,961,145	2,916,064	-538,280	-18%
Contract and recoverable works	187,589	888,007	2,152,000	1,090,250	-202,243	-19%
Other operating revenue	32,387	299,919	419,529	316,542	-16,622	-5%
<b>Total operating revenue</b>	<b>805,254</b>	<b>49,521,778</b>	<b>54,922,540</b>	<b>50,211,410</b>	<b>-689,632</b>	<b>-1%</b>
<b>Operating Expenses</b>						
Employee benefits	1,572,766	15,678,627	22,760,179	16,499,870	-821,243	-5%
Materials and services	1,643,336	13,125,427	19,488,594	14,250,262	-1,124,836	-8%
Depreciation and amortisation	1,204,648	10,616,045	14,553,700	10,915,275	-299,230	-3%
Finance Costs	4,045	66,054	80,000	69,500	-3,446	-5%
<b>Total operating costs</b>	<b>4,424,796</b>	<b>39,486,153</b>	<b>56,882,473</b>	<b>41,734,907</b>	<b>-2,248,754</b>	<b>-5%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-3,619,542</b>	<b>10,035,625</b>	<b>-1,959,933</b>	<b>8,476,503</b>	<b>1,559,122</b>	<b>18%</b>
Capital contributions	0	4,393,134	989,750	989,750	3,403,384	344%
Capital grants and subsidies	939,272	7,148,221	11,617,197	11,617,197	-4,468,976	-38%
Other capital income (expense)	-45,187	-417,685	-373,221	-373,221	-44,464	12%
<b>Net result for period</b>	<b>-2,725,457</b>	<b>21,159,295</b>	<b>10,273,793</b>	<b>20,710,229</b>	<b>449,066</b>	<b>2%</b>

**BURDEKIN SHIRE COUNCIL**  
**STATEMENT OF FINANCIAL POSITION**  
**As at 31 March 2023**

Appendix 3

	Year to Date Actual \$	Annual Budget \$
<b>Current Assets</b>		
Cash and Cash Equivalents	85,295,702	64,795,085
Receivables	1,054,538	1,247,512
Inventories	600,677	603,236
Contract Assets	18,879	0
Other Assets	576,479	1,911,475
<b>Total Current Assets</b>	<b>87,546,275</b>	<b>68,557,308</b>
<b>Non-Current Assets</b>		
Receivables	341,018	341,018
Property, Plant and Equipment	592,583,546	603,792,260
Intangibles Assets	323,028	298,550
Other Assets	37,895	70,205
<b>Total Non-Current Assets</b>	<b>593,285,487</b>	<b>604,502,033</b>
<b>TOTAL ASSETS</b>	<b>680,831,762</b>	<b>673,059,341</b>
<b>Current Liabilities</b>		
Payables	2,071,086	5,911,555
Provisions	5,569,551	5,707,566
Contract Liabilities	677,145	91,574
Other Liabilities	224,102	537,720
<b>Total Current Liabilities</b>	<b>8,541,884</b>	<b>12,248,415</b>
<b>Non-Current Liabilities</b>		
Provisions	18,126,667	18,068,817
Other Liabilities	1,665,681	1,130,073
<b>Total Non-Current Liabilities</b>	<b>19,792,348</b>	<b>19,198,890</b>
<b>TOTAL LIABILITIES</b>	<b>28,334,232</b>	<b>31,447,305</b>
<b>NET COMMUNITY ASSETS</b>	<b>652,497,531</b>	<b>641,612,036</b>
<b>Community Equity</b>		
Asset Revaluation Surplus	358,610,465	358,610,467
Retained Surplus (deficiency)	293,887,066	283,001,569
<b>TOTAL COMMUNITY EQUITY</b>	<b>652,497,531</b>	<b>641,612,036</b>



**BURDEKIN SHIRE COUNCIL**  
**STATEMENT OF CASH FLOWS**  
For Period Ending 31 March 2023

Appendix 4

	Year to Date Actual \$	Annual Cashflow Budget \$
<b>Cash Flows from Operating Activities</b>		
<b>Receipts</b>		
Receipts from Customers	47,593,865	48,004,233
Operating Grants, Subsidies and Contributions	2,562,061	4,215,846
Interest Received	2,015,336	2,715,055
<b>Payments</b>		
Payments to Suppliers and Employees	-34,097,966	-42,683,923
<b>Net Cash Inflow (Outflow) from Operating Activities</b>	<u>18,073,296</u>	<u>12,251,211.00</u>
<b>Cash Flows from Investing Activities</b>		
Commonwealth Government Grants	736,872	0
State Government Subsidies and Grants	6,411,349	11,617,197
State Government Subsidies and Grants arising from Contract Assets and Liabilities	758,441	191,749
Capital Contributions	4,393,134	989,750
Payments for Property, Plant and Equipment	-14,483,809	-29,905,221
Proceeds from Sale of Property, Plant and Equipment	80,019	424,000
<b>Net Cash Inflows (Outflow) from Investing activities</b>	<u>-2,103,994</u>	<u>-16,782,525</u>
<b>Net Increase (Decrease) in Cash and Cash Equivalents Held</b>	<u>15,969,303</u>	<u>-4,531,314</u>
Cash and Cash Equivalents at Beginning of the Financial Year	69,326,399	69,326,399
<b>Cash and Cash Equivalents at end of the Period</b>	<u><u>85,295,702</u></u>	<u><u>64,795,085</u></u>

## **6.4.1. GOVERNANCE**

### **Social Media Policy**

**File Reference:** 430

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

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

**Meeting Date:** 26 April 2023

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

Burdekin Shire Council Corporate Plan 2022-2027

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

1.3.3: Communicate our story and recognise the achievements of our community members.

Burdekin Shire Council Operational Plan 2022-2023

Corporate Governance 5 Manage Council's Corporate Policy Program.

---

#### **Executive Summary**

Council's Social Media Policy sets out the standards of behaviour expected in relation to professional use of social media platforms on behalf of Council and personal use of social media by Council employees and Elected Members. The policy addresses the key risk areas associated with the use of social media including reputational risks (both positive and negative), legislative compliance risks (information and privacy) and more generally, the risks associated with the overall management of a range of social media platforms (access, content creation, permissions, administration). The policy has been reviewed and amended in accordance with the agreed review schedule and is now presented to Council for readoption.

#### **Recommendation**

That Council adopts the updated Social Media Policy as attached to this report.

#### **Background**

Over the past decade or so, social media has increasingly become an important tool for Local Governments to connect with their constituents. Platforms such as Twitter, Facebook, and Instagram have provided Local Governments with an avenue to share information about community events, news, and updates, as well as to solicit feedback from residents. In addition, social media has proven to be an important communication tool for emergency management and public safety, allowing Local Governments to quickly disseminate critical information during a crisis. Social Media has become an important part of the communication toolkit, allowing Council to better connect with and serve the community.

While social media can be a valuable tool for Local Government to connect with their communities and stakeholders, the prevalence of its use may also have a negative impact on productivity and reputation if not properly managed. Council's Social Media Policy aims to address the risks of excessive use of social media during work hours that may lead to decreased productivity. Likewise, the inappropriate use of social media, either by employees, or elected members, can reflect poorly on the organisation and its culture and may damage the overall reputation of Council, its employees or the Elected Members. Council's policy outlines the expectations for employees and elected members to ensure professional behaviour online.

**Consultation**

This policy was reviewed in consultation with Council's Senior Governance Officer and Media and Communications Officer. The Policy was shared with members of the Senior Leadership group for feedback and was discussed at a Council Workshop on 18 April 2023.

**Budget & Resource Implications**

There are no additional budget or resource implication associated with the adoption of this policy.

**Legal Authority & Implications**

Not Applicable.

**Policy Implications**

This policy will replace the previous Social Media Policy adopted in 2021 and will be updated on Council's website and policy register.

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

The Social Media Policy aims to address many of the risks associated with the use of social media by Council. The positive risk of increased communication, transparency and trust is actively pursued through the effective use of social media. The negative risks of reputational damage, decreased productivity, mis-information, and non-compliance with privacy legislation are all addressed by this policy.

**Attachments**

1. Social Media Policy

Policy Type	Corporate
Function	Community Relations
Policy Owner	Chief Executive Officer
Policy Contact	Media and Communications Officer
Effective Date	23 February 2021

## Purpose

This policy sets out the standards of behaviour expected in relation to professional use of social media platforms on behalf of Burdekin Shire Council ("Council"), and personal use of social media by Council employees and Elected Members. The policy also outlines various legal considerations relating to the various social media platforms in use.

## Scope

This policy applies to all employees of Council and Elected Members who use social media platforms either professionally or privately.

## Objectives

The objectives of this policy are to:

- develop a culture of openness, trust and integrity in Council through appropriate use of social media tools;
- provide direction on the responsibilities and expectations for:
  - the professional use of social media on behalf of Council; and
  - the personal use of social media by Council employees and Elected Members.

## Policy Statement

Council employs various social media platforms to provide information on Council initiatives, public notices, activities, facilities, services, events and programs. Social media is considered an important tool for Council to actively engage with our community and provides a platform for active discussion and the exchange of ideas, promoting the Burdekin as a vibrant place to live, work, play, visit and invest. .

Council also acknowledges the increasing uptake of the use of social media platforms by employees and Elected Members for both professional and personal use.

### Professional Use of Social Media

Council's Social Media Editors will have access to select social media accounts as set out in the *Social Media Better Practice Guideline*.

Social Media Editors are responsible for publishing to the social media accounts on behalf of Council and have authorisation to respond on behalf of Council to comments and feedback posted on corporate social media pages.

### Primary Responsibility for Council Social Media

The Media and Communications Officer is generally responsible for all Council social media accounts across all platforms.

## Social Media Administrators

The Media and Communications Officer and Information and Communications Technology Coordinator reserve the right to remain an administrator of any accounts created to ensure risk management measures (including centralised storage of master passwords for each site) to protect Council's reputation are satisfied.

## Creation of Council-owned Social Media Accounts

Social media accounts may be created with approval from the CEO (or delegate) in liaison with the Media and Communications Officer.

The Information and Communications Technology Coordinator in consultation with the Media and Communications Officer will be responsible for creating the relevant account.

## Access to Council's Social Media Accounts

Employees may not have access to Council's social media accounts and comment on behalf of Council unless they are authorised by the CEO in liaison with the Media and Communications Officer.

Access will be based upon the duties of each position with relevant officers only having access to relevant platforms, in accordance with the *Social Media Better Practice Guideline*.

Access to Council's social media accounts will be arranged by the Media and Communications Officer and Information and Communications Technology Coordinator.

## Ceasing Employment

Where an employee ceases employment with Council, access to Council's social media accounts will be removed within two business days of the relevant employee's last day of employment. The removal of access will be carried out by the Media and Communications Officer except in the instance where the Media and Communications Officer is unable to do so or ceases employment with Council, in which case the removal of access will be carried out by the Information and Communications Technology Coordinator.

## General Use of Social Media

Once authorised to comment on behalf of Council the following guidelines must be adhered to:

- only publish content that is classified as public information;
- all content posted is accurate and has been approved by the CEO, a director, a manager, or the Media and Communications Officer;
- content must not disclose personal, confidential, private or legal information;
- content is to be posted to the most relevant account (Council, Theatre etc) and platform (website, Facebook, Instagram etc) and undue duplication across Council-managed accounts should be limited;
- major announcements will only be made by the Media and Communications Officer or by other officers as directed by the CEO;
- comments will be respectful of the community and portray the Council in a positive way;
- the majority of posts and links will be Council-related and connected to a core service of Council, however public interest posts and links can be shared on Council platforms;
- all content will be impartial, apolitical and will not promote Elected Members or specific projects and announcements that have not received approval from Council;
- users must adhere to the terms of use and guidance associated with the relevant social media platform/website. See also Legal Considerations; and
- where possible, social media posts should refer to the equivalent information on Council's website.

## Comments and Replies

Comments that are posted by members of the public on Council's social media pages can be of a positive, negative, or neutral nature.

Council understands the expectation of immediacy in relation to response times to comment made through social media platforms, however acknowledges that it is impractical to monitor all social media accounts on a 24 hour basis.

Council's Social Media Editors will be responsible for monitoring comments or posts on Council's social media platforms. Comments that ask a question about Council, or a matter related to Council, should be acknowledged within four hours during standard business hours of 8am-5pm. Depending on the nature of the matter, a response should be coordinated with the relevant Council department and delivered as soon as practicably possible. Where a matter is of a sensitive, private, or confidential nature, the Media and Communications Officer has the discretion to hide the post and/or continue the conversation 'offline'.

Comments received outside of normal business hours will be responded to on the following business day where possible.

During times of disaster or emergency situations, Council will endeavour to respond to comments or questions posed via social media platforms outside of office hours.

When assessing comments the following guidelines must be adhered to:

- comments by the public will be hidden at the discretion of the CEO or the Social Media Editors if they are deemed to be offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, mentions a person by name, infringes copyright, constitutes a contempt of court, breaches a court suppression order or is otherwise unlawful. Other comments that may potentially jeopardise Council's financial, legal or operational capacity will be hidden at the discretion of the CEO or Social Media Editors.
- comments or posts that are not Council-related and not deemed to be a public record can be removed. This includes promotion of commercial services, products or entities.
- any post or comment deemed offensive but which is classified as a public record under the Crime and Corruption Commission and Queensland State Archives guidelines must be hidden, and not deleted, for the satisfactory management of Council records.

## Caretaker Period

In accordance with section 90D of the *Local Government Act 2009* (Qld), during the Caretaker Period, Council-owned social media accounts including, but not limited to Facebook, Twitter, LinkedIn, Instagram and YouTube, will not contain any material that could be construed or interpreted as election material.

## Personal Use of Social Media

Personal use of social media during work hours will not be permitted. Employees will only be permitted to access social media during work hours for work purposes with approval from management (eg. to access posts on private pages that make reference to Council or Council activities). Access will be kept brief and must relate to a Council matter or Council business.

Employees will be allowed to access social media during morning tea and lunch breaks using their own devices.

Posting about Council on social media by employees is permitted but care must be taken to minimise the potential damage to be caused (directly or indirectly) to Council's reputation.

When using social media for personal use by employees, the following guidelines must be adhered to with respect to Council information:

- only disclose or discuss publicly available Council information;
- ensure all content is accurate and complies with all relevant Council policies;
- do not imply that you are authorised to speak as a representative of Council or give the impression that the views expressed are those of Council;
- do not use a Council email address or any Council logos or insignia;
- do not use the identity or likeness of another employee, contractor or member of Council;
- do not make comments, use location-based services (e.g. check-in) or post any material that might otherwise cause damage to Council's reputation.

## Legal Considerations

General advice is provided to assist employees in complying with obligations set out in this policy. When in doubt, employees are encouraged to seek further guidance or clarifications from the CEO, the Senior Governance Officer or the Media and Communications Officer or refer to the *Burdekin Shire Council Code of Conduct for Workers*.

The *Information Privacy Act 2009* contains rules, or privacy principles, that govern how Queensland Government agencies collect, store, use and disclose personal information. The *Public Records Act 2002* ensures public records are made, managed, kept and, if appropriate, preserved in a useable form for the benefit of present and future generations, with public access under the Act consistent with the principles of the *Right to Information Act 2009* and *Information Privacy Act 2009*. Social media posts are public records and should be hidden where inappropriate or irrelevant, not deleted. Posts on social media containing election material must comply with the *Local Government Electoral Act 2011* if posted during an election period, regardless of whether they are posted on a personal or official social media platform.

## Privacy, Confidentiality and Information Security

Employees should only use personal information obtained in the course of their employment or engagement with Council in a manner consistent with the *Burdekin Shire Council Code of Conduct for Workers* and the *Information Privacy Act 2009*.

Employees must not publish or report on conversations or information that is deemed confidential or classified or deals with matters that are internal in nature.

## Use of Photographs

### Photographs Taken by Council

Council respects the privacy of individuals and is committed to ensuring that any images published to our social media platforms comply with requirements of the *Information Privacy Act 2009*.

Council will provide a 'collection notice' before or during any community event advising that photos may be taken during an event and used on Council's website or social media platforms. The collection notice may be displayed on Council's website (with promotional material for the event), on the program agenda, on the ticket or receipt, on registration forms or on a sign placed in a visible location at the event itself. The collection notice is intended to make the public generally aware that they may be photographed during an event and that these photos may be published to Council's social media platforms.

Where individuals or groups are photographed face on, where practical, they will be verbally asked to provide permission to be photographed, and to allow Council to use and publish the image/s.

Council will not publish any image of a person where that person has expressly asked for their photograph not to be published. Likewise in instances where a person makes a request to have an image of them or their child or ward removed from Council's social media sites, Council will do so immediately.

### Photographs Supplied to Council

Where a photograph is supplied to Council from a third party, Council will endeavour to ensure that written permission has been granted for the photo to be provided to Council and published to Council's website or social media platforms.

Photos submitted to Council for photograph competitions are subject to the terms and conditions of those competitions.

### Photographs as Part of Paid Campaigns or at Private Events

Where individuals or groups are photographed as part of a paid campaign, for commercial purposes or at private events, they will be asked to sign a written consent form providing permission to be photographed and to allow Council to use and publish the image/s.

### Copyright

Social Media Editors will respect copyright laws and attribute work to the original author/source wherever possible.

### Online Conduct of Council Officials

Online activities of Council Officials, including social media posts and comments, are subject to conditions of any relevant Code of Conduct, Council Policy or Operational Standard.

Abusive, harassing, threatening or defamatory postings are in breach of Council's behavioural expectations and may result in disciplinary action being taken.

Workplace bullying and harassment includes any bullying or harassing comments employees make online, including on their own private social networks and when out of office hours.

### Defamation

Refrain from posting material that may cause damage to another person, organisation, association or company's reputation and seek further guidance from the Media and Communications Officer if publication of such material is thought to be necessary.

### Contempt of Court

Exercise care if referring to pending court proceedings (related to Council) to avoid posting material that may prejudice those proceedings, in particular material that will be part of the evidence in those proceedings.

Employees should make enquiries as to any applicable court suppression orders prior to commenting on any court proceeding (whether past or pending).

### Exceptions

Nil.

### Risk Management

Effective adherence to the outlined Social Media Policy will ensure Council's brand across social media is clear, and negative or detrimental comments are addressed appropriately to minimise reputational risk.



Council's Operational and Strategic Risk Register provides a detailed classification of risks and controls associated with media and communications.

## Legislation

*Anti-Discrimination Act 1991*

*Information Privacy Act 2009*

*Local Government Electoral Act 2011*

*Public Records Act 2002*

*Right to Information Act 2009*

*Work, Health and Safety Act 2011*

## Definitions and Abbreviations

<b>Confidential Information</b>	includes but is not limited to trade secrets of Council; non-public information about the organisation and affairs of Council such as: pricing information including internal cost and pricing rates, production scheduling software, special supply information; marketing or strategy plans; exclusive supply agreements or arrangements; commercial and business plans; contractual arrangements with third parties; tender policies and arrangements; financial information and data; training materials; technical data; schematics; proposals and intentions; designs; policies and procedure documents; concepts not reduced to material form; information which is personal information for the purpose of privacy law; and all other information obtained from Council or obtained in the course of working or providing services to Council that is by its nature confidential.
<b>Council Official</b>	includes employees, Councillors, agents and contractors (including temporary contractors), administrators appointed under section 124 of the <i>Local Government Act 2009 (QLD)</i> , members of council committees, conduct reviewers, delegates of council, work experience employees and volunteers of the Council.
<b>Employee</b>	includes a direct employee of Council whether employed on a permanent, temporary, full-time, part-time or job share basis.
<b>Person</b>	includes any natural person, company, partnership, association, trust, business, or other organisation or entity of any description and a person's legal personal representative(s), successors, assigns or substitutes.
<b>Social Media Accounts</b>	refers to the individual account or page created on a social media platform.
<b>Social Media Editors</b>	includes Media and Communications Officer and other delegated officers, as set out in the Social Media Better Practice Guideline.
<b>Social Networking Site and Social Media Platform</b>	are umbrella terms covering websites, online platforms, technology, applications or tools that enable active and participatory publishing and interactions between individuals over the internet. These include but are not limited to Facebook, Instagram, Twitter, YouTube, LinkedIn, Pinterest, Reddit, Flickr and similar sites.

## Related Documents

Reference Number	Document Title
ECM 1068863	Burdekin Shire Council Code of Conduct for Workers
HRS-POL-0001	Bullying, Anti-Discrimination and Sexual Harassment Policy
ICT-OSD-0009	Mobile Phone Usage Operational Standard
MED-GDE-0001	Social Media Better Practice Guideline
MED-FRM-0001	Media Consent Form
GOV-POL-0024	Working with Children Policy

## Document History and Version Control

Title of Document	Social Media Policy
Document Reference Number	MED-POL-0004 Rev 2
Review Schedule	24 months
Council Meeting Date	23 February 2021
Council Resolution Number	

## **7.1.1. ENVIRONMENTAL AND HEALTH SERVICES**

### **Flying-fox Dispersal Activity for Home Hill**

**File Reference:** 899

**Report Author:** Dan Mulcahy, Manager Environmental and Health Services

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

**Meeting Date:** 26 April 2023

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

Burdekin Shire Council Corporate Plan 2022-2027

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

Burdekin Shire Council Operational Plan 2022-2023

3.1.3: Improve drainage networks and structures through upgrades and renewals.

---

#### **Executive Summary**

Black flying-fox roosts have been common in the town of Home Hill since at least 2013. Historically, the most common roosting site has been Lloyd Mann Park. Council staff have undertaken dispersal activities in the past with reasonable success. A more recent roosting site has been identified in Kidby Gully and most recent attempts in April 2021 failed to move the flying-foxes on. The flying-foxes are increasing in number and impacting on the quality of life of nearby residents from a noise, odour and property impact basis. A recommendation is provided below to address this problem.

#### **Recommendation**

That Council engage the services of Biodiversity Australia Pty Ltd for an amount of \$131,031.00 (ex GST) to conduct a flying-fox dispersal activity in the town of Home Hill.

#### **Background**

Black flying-fox roosts have been common in the town of Home Hill since at least 2013. The most common roosting site has been Lloyd Mann Park. In the past there have also been other minor sites that flying-foxes have roosted.

Traditionally, dispersal activities have been undertaken and the majority of the flying-foxes have dispersed and appeared to relocate or fly to an unknown area to the north of the town. Behaviour wise the flying-foxes returned each year, and the dispersal activity was carried out again.

In 2020, ten (10) dispersal activities of 3+ days each were conducted.

In 2021, nine (9) dispersal activities of 3+ days each were conducted.

In recent years the flying-foxes have proven more difficult to move on and may have become 'immune' to the traditional dispersal tools used by Council staff.

Council's traditional dispersal tools have been torch light and starter pistols. After COVID, Council could not source starter pistol caps and dispersal activities ceased.

A more recent roosting site has been identified in Kidby Gully and most recent attempts in April 2021 failed to move the flying-foxes on. The flying-foxes are increasing in number and impacting on the quality of life of nearby residents from a noise, odour and property impact basis.

Council is aware of contractors specialising in flying-fox relocation and has sought offers or quotations for their services. The benefit of a specialist contractor include:

- Greater knowledge of flying-fox behaviour
- Greater experience in dispersal activities
- Improved dispersal tools such as pyrotechnics, visual and audio deterrents

Council staff would be able to assist and complement the contractor services by covering other possible roosting sites. Council staff may also gain further general knowledge in the dispersal activity.

As part of any dispersal exercise, Council may remove roosting trees where possible. These will initially include those on Council controlled land or where approval has been provided. Council has received quotes from external contractors as follows.

Biodiversity Australia Pty Ltd (BA)

\$131,031.00 (ex GST) which includes:

- Project management
- Desktop assessment for roost relocation
- Roost relocation – two (2) weeks with a team of four (4)
- Post works report
- Disbursements and consumables

BA are industry-leading in the field of flying-fox management and have delivered a number of projects with similar scopes. The project team have experience in the following:

- Provision of expert advice on holistic flying-fox management
- Recurring success in flying-fox relocation projects across QLD, NT and NSW
- Provision of high-level and robust scientific analysis and reporting
- Development of robust risk analysis and mitigation strategies
- Provision of expert knowledge in approval pathways and permitting
- Significant experience with dealing with public concerns and interactions
- Access to industry leading equipment

Examples of relevant projects include:

2022-2023	Charters Towers	200,000.00+
2020	Hinchinbrook	50,000.00+
2022-2023	Carnarvon Gorge	500,000.00+
2017	Moranbah	250,00.00+
2017	Miriam Vale	8,000.00+

### EcoShift Wildlife Management Pty Ltd (ESW)

\$42,000.00 (ex GST) estimate which includes:

- Roost relocation – team of 4 for 2 weeks
- Disbursements and consumables

ESW would use Long Range Acoustic Devices (LRAD), gas guns, Birdfrite and other sound sources, lights and smoke. These techniques have been successfully used by ESW on sites from Batemans Bay to Port Douglas and have been refined over eleven years of successful dispersals.

ESW would be able to mobilise and be onsite in approximately one week from notification.

### Contractor Evaluation

On a cost basis, ESW are significantly cheaper than BA. However, a high weighting should be given to the likelihood of success in the dispersal activity.

It is difficult to determine the likelihood of success between the two different contractors. Given the more broad-based ecological background and expertise of BA and their work in neighbouring areas such as Charters Towers and Hinchinbrook, one might be able to favour them as a preferred option.

The deterrent tools and techniques appear to be consistent between the two except for ESW which include the use of an LRAD. BA also use audio deterrents.

### Council Costs

Council staff will be required to monitor and disperse at other suspect locations where the flying-foxes have roosted in the past. In addition, some tree removal should be factored in.

Council costs for an initial dispersal activity are estimated at \$16,500.00 which includes \$10,000.00 for tree removal.

### Communication

Communication will be a key element in this project. Some of the key points are listed below:

- Advance notice to Home Hill residents to make them aware of the dispersal activity
- Advice to residents of their role on private land
  - Entitled to dissuade flying-foxes from staying by use of non-destructive disturbance techniques including smoke, water sprinklers, visual deterrents such as imitation predators, bright lights and noise.
  - Do not attempt to touch a flying-fox with bare hands.
  - For further information, please visit the Department of Environment and Science (DES) website.
- Methods – newspaper, social media, Sweet FM, Variable Message Board (VMB)
- Standard notification to DES prior to the activity commencing.

### **Consultation**

Council has received many customer requests from neighbouring residents in relation to the deleterious impact of the flying-fox roosts on their quality of life.

Council has considered the matter and various dispersal options in workshops over the past two (2) years. To conduct any dispersal activity, a notification form is required to be forwarded to DES, which is valid for a period of four (4) weeks.

### **Budget & Resource Implications**

For 2022-23, Council has expended \$5,270.00 from a second revised budget allocation of \$21,580.00 to cover bushfire mitigation and flying-fox dispersal leaving an estimated \$16,000.00 for this work.

### **Legal Authority & Implications**

Council is required to comply with the Nature Conservation Act 1992, Nature Conservation (Animals) Regulation 2020, Flying-fox Roost Management Guideline and the following DES Codes of Practice:

- Code of Practice - Ecologically sustainable management of flying-fox roosts
- Code of Practice - Low impact activities affecting flying-fox roosts

The Code of Practice dictates the Council's management and dispersal actions. For example, there are conditions relating to the following:

- Notification requirements
- All actions to stop immediately if a flying-fox is killed, injured or found on the ground
- Times and duration of activities – fly-in or fly-out and no more than three (3) hours
- Limited to non-lethal deterrence methods

Avoid actions at certain times – when females are in the late stages of pregnancy or there are dependent young that cannot sustain independent flight; or climatic extremes.

### **Policy Implications**

Council's existing Flying Fox Management Policy advises that the Council has an 'as-of-right' authority to destroy a flying-fox roost; drive away, or attempt to drive away, a flying-fox from the roost; or disturb a flying-fox in the roost; within an Urban Flying Fox Management Area (UFFMA) and only in a way that complies with the flying fox roost management code. Home Hill is included in the UFFMA.

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

The purpose of the activity is to relocate the flying-foxes from their current roosts in town which are causing quality of life issues for neighbouring residents.

If Council takes no action, the status quo remains and the quality of life issues remain for neighbouring residents and the number of flying-foxes are likely to increase.

Flying-foxes are an unpredictable animal and no guarantees are provided with any dispersal activity undertaken. In other words, dispersal activities may result in the following:

- Flying-foxes are successfully relocated out of town
- The majority of flying-foxes are relocated out of town with only minor numbers returning to original roost sites
- Flying-foxes are relocated to other areas within the town and cause quality of life issues for different residents
- As a result of the above, the roost problem expands from one site to multiple sites
- The dispersal activity is unsuccessful and the flying-foxes return to the original roosts

The success of the dispersal activity can be improved by contracting specialists in this area with greater knowledge of flying-fox behaviour and improved dispersal tools and techniques.

It is important to note that periodic dispersal activities may be required over a number of years as it is highly likely that one season of relocation works may not be enough to permanently deter flying-foxes from using their preferred roost site in future years.

**Attachments**

None

## **7.1.2. ENVIRONMENTAL AND HEALTH SERVICES**

### **Adoption of Revised Waste Management Policy**

**File Reference:** 438,436

**Report Author:** Dan Mulcahy, Manager Environmental and Health Services

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

**Meeting Date:** 26 April 2023

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

Burdekin Shire Council Corporate Plan 2022-2027

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

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

---

#### **Executive Summary**

The Waste Management Policy is reviewed on a two (2) year basis to determine if any improvements or changes are required.

A review has been undertaken of the policy and a revised version is attached for consideration and adoption.

#### **Recommendation**

That Council adopts the attached revised Waste Management Policy.

#### **Background**

The Waste Management Policy is an important budget document in that it explains, amongst other things, the method of charging for the mobile bin collection service which is the main revenue income for the waste function.

Relevant sections of the Waste Management Policy are inserted into the Revenue Statement which is a key document in the Budget adoption process.

No changes have been made to the fundamental basis of the policy.

Only minor additions and amendments have been made to the policy to clarify specific sections or requirements.

#### **Consultation**

Council reviewed this policy at its workshop held on 18 April 2023.

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

Not Applicable.

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

Policy is consistent with the Local Law wording and definitions.



**Policy Implications**

This policy will replace the existing Waste Management Policy that was adopted on 9 March 2021.

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

Any identified risks will be evaluated and managed in accordance with the Enterprise Risk Management (ERM) Policy and the adopted ERM Framework.

The policy improves the consistency of the application and enforcement of the exercise of Council's powers in dealing with the management of waste, particularly through its local law.

**Attachments**

1. Waste Management Policy

Policy Type	Corporate
Function	Waste Management
Policy Owner	Manager Environmental and Health Services
Policy Contact	Coordinator Waste Services
Effective Date	26 April 2023

## Purpose

This policy explains the objectives and general principles of the Burdekin Shire Council in the optimum delivery of waste management services of the community.

## Scope

This policy applies to waste services within designated areas in which Council conducts general waste or green waste collection and provision of waste facilities in the Burdekin Shire area.

## Exceptions

Nil.

## Objectives

Burdekin Shire Council embraces the Waste Management hierarchy of waste avoidance, waste re-use, waste recycling, energy recovery from waste and waste disposal. We encourage residents and businesses to think about their activities and use the hierarchy as a guide. By working together, we can minimise our impact on the environment and reduce our costs involved in the processing, manufacturing, transport and disposal of materials.

The aim of the policy is to:

- reduce the amount of waste produced by the community.
- reduce the amount of waste going to landfill.
- encourage greater recycling.
- encourage repurposing to reduce the waste stream to landfill.
- increase the community's knowledge of waste management issues.
- reduce the impact of waste disposal on the environment.

## Policy Statement

### Waste Facilities

The Burdekin Shire has one (1) landfill and four (4) transfer stations.

The following waste facilities are available for community use as detailed below:

<b>Transfer Stations:</b>	
<b>Ayr</b>	
Location	53-57 Jones Street, Ayr
Accepted waste	General household waste and recyclables, household and car batteries, cardboard, furniture, fluorescent tubes, fridges and freezers, gas bottles, e-waste, EPIRBs, scrap metal, tyres, waste oil, domestic quantities of timber (up to half a ute load or small trailer load) and green waste. A full list is available on Council's web site.
<b>Home Hill</b>	
Location	Bojack Road, Home Hill
Accepted waste	General household waste and recyclables, household and car batteries, cardboard, furniture, fluorescent tubes, fridges and freezers, gas bottles, e-waste, EPIRBs, scrap metal, tyres, waste oil, domestic quantities of timber (up to half a ute load or small trailer load) and green waste. A full list is available on Council's web site.
<b>Clare</b>	
Location	Ayr Dalbeg Road
Accepted waste	General household waste and recyclables, cardboard, furniture, fridges and freezers, scrap metal, domestic quantities of timber (up to half a ute load or small trailer load). A full list is available on Council's web site.
<b>Giru</b>	
Location	Cromarty Creek Road, Giru
Accepted waste	General household waste and recyclables, car batteries, cardboard, furniture, fridges and freezers, scrap metal, tyres, waste oil, domestic quantities of timber (up to half a ute load or small trailer load) and green waste. A full list is available on Council's web site.
<b>Landfill:</b>	
<b>Kirknie Landfill</b>	
Location	1614 Kirknie Road, Osborne

Although not a transfer station, a 15m<sup>3</sup> skip bin waste service is provided to the township of Dalbeg. Accepted waste includes general household waste (excluding putrescibles), furniture and domestic quantities of timber (up to half a ute load or small trailer load).

Opening Hours can be found on Council's website and are contained in the Opening Hours Policy.

DrumMuster – Council accepts drums on the first Wednesday of the month at the Ayr transfer station by appointment and at Giru and Home Hill waste transfer stations during normal operating hours to assist local farmers in the responsible disposal of chemical containers. The Clare DrumMuster collection site is available by appointment.

To encourage the objectives of this policy, all domestic and commercial users are encouraged to sort their waste into general refuse and recyclable or regulated waste items. Most domestic sorted waste is accepted free of charge at all Council waste facilities for Burdekin Residents. Refer to Council's Waste Fees and Charges for more details.

Council encourages the repurposing/reuse of materials no longer wanted by the owner, by operating Tip Shops at three of Council's waste handling facilities.

Charges may vary depending on the items taken to the landfill or transfer stations. In addition, a State Government waste levy will apply from 1 July 2019 to all waste which is disposed of in landfill. The levy is part of a new waste strategy for Queensland to increase recycling and resource recovery and reduce waste. Please refer to Council's Waste Fees and Charges Schedule for more details.

### Exemptions

An exemption from Council landfill and transfer station charges may apply for charitable organisations, non-profit organisations or for approved sporting carnivals. Applications for exemptions must be made to the Council's Community Development section.

In accordance with the State Government waste levy, a charitable organisation is eligible to apply for an exemption of the waste levy. This application must be made to the State Government.

### Closed Landfills

Investigations of Council's closed landfills will continue to determine the remediation requirements for each facility. Resourcing requirements to remediate each facility will depend on access to external funding, ten-year budgeting cycle/plan, state government requirements and environmental issues.

### Designated Area

In accordance with Local Law No 8 (Waste Management) 2018, the Council has resolved to designate areas within which the Council may conduct general waste or green waste collection. The designated area is shown in Schedule 1 attached.

There are two (2) designated areas which differentiate the level of mobile bin service provided to premises located within the areas.

### Domestic Services

#### Standard General Waste Containers

Only standard general waste containers supplied and rated by Burdekin Shire Council are eligible for Council's collection service. The standard general waste container approved by the Council must meet the following specifications:

- 140-240 litre mobile bins must comply with AS 4123:2008 mobile Waste Containers;
- have the following colours for domestic and commercial premises:
  - for domestic and commercial waste – have dark green bodies and red lids;
  - for recyclable waste – have dark green bodies and yellow lids;
  - for green waste – have dark green bodies and lime green lids.
- be constructed of UV stabilised HDPE suitable for Queensland climatic conditions;
- contain a minimum of 30% Post Consumer recycled Australian content;
- where reasonably possible, be made in Australia;
- be hot stamped with individual identification serial numbers in sequential order;
- be stickered with Council supplied sticker(s), when requested by Council;
- be provided with Council approved permanent embossing in all manufacturer insert locations on the lid; and
- be hot foil embossed with an approved Burdekin Shire Council logo.

The Council will not service ineligible standard general waste containers (herein after referred to as mobile bins) that residents leave out for collection, including mobile bins that residents bring from other councils or buy privately.

The mobile bins supplied to a property are to remain at that property when there are changes in occupants, including with the sale of the property.

To avoid any doubt, only domestic or commercial waste is to be put in the mobile bin with the red lid, only recyclable waste is to be put in the mobile bin with the yellow lid and only green waste is to be put in the mobile bin with the green lid.

### Mobile Bin Service

The mobile bin service for the Shire that is delivered to domestic premises and commercial premises comprises of the following mobile bins and collection frequency:

- *Domestic Premises within Designated Area A*
  - A 140 litre mobile bin with a red lid for domestic waste and collected weekly. \*
  - A 240 litre mobile bin with a yellow lid for recyclable waste (excluding green waste) and collected fortnightly.
  - A 240 litre mobile bin with a lime green lid for green waste and collected fortnightly.

The above service is referred to as a **3 bin domestic service**.

- *Domestic Premises within Designated Area B*
  - A 140 litre mobile bin with a red lid for domestic waste and collected weekly. \*
  - A 240 litre mobile bin with a yellow lid for recyclable waste (excluding green waste) and collected fortnightly.

The above service is referred to as a **2 bin domestic service**.

*\* Residents of domestic premises may request to change to the 240 litre mobile bin with a red lid. The larger mobile bin will incur a higher charge.*

- *Commercial Premises within Designated Areas A and B*
  - A 240 litre mobile bin with a red lid for commercial waste and collected weekly.
  - A 240 litre mobile bin with a yellow lid for recyclable waste (excluding green waste) and collected fortnightly.

The above service is referred to as a **2 bin commercial service**.

### Levying of waste services charges for mobile bin waste collection

Council will provide waste services to occupied land only.

The owner of any residential premises or land within the designated area that is capable of producing waste will be levied a waste service charge. The type of waste service charge will depend on whether the premise receives a 3 bin domestic service or a 2 bin domestic service.

For residential premises or land outside of these areas, the owner or occupier is required to service their own refuse bins on a weekly basis. Fees may apply for the disposal of these wastes at Council's waste facilities. Waste Fees & Charges are available on Council's website.

### Services based on type of residential premises

#### *House or House with Granny Flat*

Each single unit dwelling must have at least a single waste service, i.e. either a 3 bin domestic service or a 2 bin domestic service.

#### *Multi-Residential Premises including Duplexes*

Multi-Residential premises include two (2) or more permanently constructed residential units (single occupancy per unit).

Council will supply each unit with 1 x 140L mobile domestic waste bin and 1 x 240L mobile recyclable waste (excluding green waste) bin. Council's authorised officer will determine the provision of a green waste service for premises within Designated Area A. Consideration will be given for the properties' potential to generate green waste.

The green waste service for multi-residential premises will be a communal service with the mobile bins shared between units. The owner or the owner's representative may make a written request for an extra green waste service for a particular unit. To clarify, it is expected that a green waste service or equivalent would be required for any multi-residential premises that include green space or gardens.

Alternatively, a bulk waste bin may be provided (through a private contractor) for the domestic waste portion of the service. The bulk bin must be the equivalent of the calculated volume of the 140L mobile domestic waste bins, rounded up to the next bulk bin size. The bulk bin must be tipped at least once every week

#### *Example*

*Multi-Residential Premises of five units (5 x 140L = 700L) is required to have at least 5 x 140L mobile domestic waste bins or the equivalent in bulk domestic waste bin, serviced at least once per week and at least 5 x 240L mobile recyclable waste (excluding green waste) bins and a sufficient number of 240L mobile green waste bins (as determined by the Council's authorised officer), serviced at least once per fortnight.*

#### *Residential Unit attached to Commercial/Industrial Premises*

The commercial/industrial portion of the premises shall receive a commercial/industrial service (refer – Commercial and Industrial Services). The residential unit shall receive the appropriate domestic mobile bin service (refer – Domestic Services).

#### **Residential premises not within the designated areas**

Rateable properties within the Shire that are outside the designated area and therefore not receiving a regular waste collection service, may be required to pay a waste service charge for access to free sorted domestic dumping at Council's waste facilities.

Residents currently outside the designated area and who would like to receive a domestic mobile collection service are required to submit a request in writing.

When determining the request, Council's authorised officers will consider the following:

- if the collection vehicles can access the area;
- whether it is economically viable for the contractor to provide the requested service; and
- If there is support from 65% of property owners in the road in favour of receiving the service.

#### **Commercial and Industrial Services**

Commercial and industrial premises within the designated areas, as described in Schedule 1, are required to have a commercial waste service with a minimum collection frequency of weekly.

Each premise shall have either, a 240 litre mobile commercial waste bin or equivalent service provided by an approved private contractor plus a recyclable waste (excluding green waste) service supplied through Council or an equivalent service provided by an approved private contractor.

Where it is deemed by the Manager Environmental and Health Services that the replacement service provided by a private contractor is not an equivalent service, then waste charges levied will consist of the relevant component as detailed in the revenue statement.

Item specific recycling services e.g. bulk cardboard, scrap metal and the like may be available through a private contractor.

## General Issues

### Change to Service Level

The owner may request a change to the service in writing or via Council's Customer Service Centre. The charges for these services are set annually in Council's Revenue Statement and Council will levy the amount via the rates notice.

### Lost/Stolen Bins

The replacement of lost or stolen bins will be at the discretion of the Manager Environmental and Health Services.

Repeated incidences of lost/stolen bins for a single property may incur a replacement fee.

### Cancelling a service

Cancelling of a waste service will only occur where the building has been demolished or is unfit for occupation due to causes such as significant damage by fire or natural disaster or extensive building dereliction or dilapidation.

A commercial or industrial premise may cancel their waste service provided they are to receive an equivalent waste service from an approved private contractor. The premises must provide a copy of their waste service agreement as proof of alternative service. For clarification purposes, this paragraph does not apply to domestic waste services provided to a dwelling that is part of a commercial or industrial building or part of an agricultural enterprise.

Cancelling a service will lead to a proportional reduction or refund of the annual levied charge.

### Commencing a Service

Waste service charges will apply from the date of commencement or availability of service. New services commenced during the year are pro-rata levied.

### Bulk Bin Service

Commercial premises that require a bulk bin service may contact an approved waste contractor to arrange a service at their own cost.

### Variation under this Policy

The Manager Environmental and Health Services will assess written requests for an exemption, refund, part refund or variation under this Policy. Assessments are to take into account the waste generated at the premises.

### Requirements for mobile bin collection

Place mobile bins on the kerb prior to 6:00am on collection day and bring back within property boundaries as soon as possible after collection, preferably by dusk.

Place mobile bins approximately one (1) metre apart and bins are not to be located near trees, parked cars or other obstacles that may prevent the truck from emptying the bin.

Mobile bins that are overfull (with the lid open more than 45 degrees) or too heavy (weigh more than 55 kilograms) will not be collected. Residents will need to take their waste to the landfill or transfer station, as the truck will not return to empty the bin. Disposal costs may apply.



The following items are not to be placed into the mobile bins but may be accepted at Council's Waste Facilities (details are available on Council's website):

- a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
- paints, solvents, motor and cooking oils;
- asbestos or other hazardous material;
- concrete, bricks, timber;
- soil and rocks (large amounts);
- material that is smouldering or aflame;
- gas bottles and fire extinguishers;
- EPIRBs and marine flares;
- firearms and ammunition;
- car parts and batteries;
- a matter or thing that is alive.

### Mobile Bin Contamination

Recyclable waste and green waste mobile bins must only contain the products listed on the lid and/or authorised by Council via website or official brochures provided. Mobile bins contaminated with unsuitable material may be issued with a notice and information brochure advising of the contamination.

Where the premises receives three (3) contamination notices in any 12-month period (which starts on the day of any notice), the service may be suspended by Council:

- initially for one (1) month; and
- for an additional month if the premises receives a notice within three (3) months of the service being reinstated at the discretion of the Manager Environmental and Health Services.

Charges will not be removed where green waste or recyclable waste services have been suspended under this clause.

### Mobile Bin Charges

The levying of a charge as detailed in the Revenue Statement will occur on all lands and/or premises within the designated area.

#### Consistent commencement of charges

The levy for all waste charges apply on a pro-rata basis from the date of delivery of the mobile bins to the property and/or where Council identifies that a domestic or commercial structure or occupied land is without a general waste collection charge, the charge will be levied pro-rata from the time that the structure was completed, or the occupied land was capable of producing waste.

#### Removal of Charges

Removal of any general waste charge on a pro-rata basis will only occur:

- when Council identifies that the domestic or commercial structure has been demolished or is unfit for occupation due to causes such as significant damage by fire or natural disaster or extensive building dereliction or dilapidation; or
- upon supply of written evidence (e.g. a copy of new waste contract) that a commercial premise has an equivalent service provided by an alternative waste service provider.

### Council Public Services

Council will provide appropriate waste and recyclable waste (excluding green waste) services to public areas including CBD streets and parks.



## Education Program

Council will endeavour to provide an education program throughout the Shire focussing on the waste hierarchy of avoidance, re-use, recycling and disposal as a last resort.

## Pre-Cyclone Clean Up

When a cyclone watch and/or warning has been issued for the Burdekin area, the Council may allow free disposal of certain wastes to Shire facilities during the period of the watch and/or warning. It is noted that for Burdekin residents, sorted domestic waste is free.

Council retains the right to nominate which wastes may still attract a charge and where certain volumes may be disposed of. In providing this service, Council does not want the pre- cyclone clean up to replace an orderly waste disposal obligation for residents.

## Serious Local Event Waste

Waste defined as 'serious local event waste' may also be exempt from payment of the State waste levy under certain circumstances.

'Serious local event waste' is defined in the *Waste Reduction and Recycling Act 2011* and generally refers to waste generated by activities in the immediate preparation for, or by or because of, a serious local event but does not include waste generated by activities in general preparation for storms that are predicted or are likely to occur in a particular season each year or in anticipation of the next cyclone season. The maximum period for which waste is to be serious local event waste is seven (7) days immediately before the serious local event starts or is predicted to start and ends 28 days after the serious local event ends.

Serious local event waste is exempt waste under the *Waste Reduction and Recycling (Waste Levy) Amendment Act 2019*. The exemption is not automatic but requires an application made by the Chief Executive Officer of the Council to the Department of Environment and Science which shall decide on the application.

## Disaster Management Waste

Waste defined as 'disaster management waste' may also be exempt from payment of the State waste levy under certain circumstances.

'Disaster management waste' is defined in the *Waste Reduction and Recycling Act 2011* and means waste generated by or because of a disaster that is or has been the subject of a declaration of a disaster situation under the *Disaster Management Act 2003*, but only within the limits, if any, declared by the Department of Environment and Science, by publication on the Department's website, for a particular disaster.

## Risk Management

Managing risk is achieved through the systematic application of policies, procedures and practices to identify, analyse, evaluate, treat, monitor and communicate risk.

This policy is intended to improve the consistency of the application and enforcement of the exercise of Council's powers in dealing with the management of waste, particularly through its local law. The policy provides guidelines for applicants and Council staff in the consideration and approval of applications.

The absence of such a policy or non-adherence to the policy could result in invalid levies and inconsistent decisions.

## Legislation

*Local Government Act 2009*

*Local Government Regulation 2012*

*Environmental Protection Act 1994*

*Environmental Protection Regulation 2019*

*Local Law No. 8 (Waste Management) 2018*

*Waste Reduction and Recycling Act 2011*

*Waste Reduction and Recycling Regulation 2011*

*Disaster Management Act 2003*

*Disaster Management Regulation 2014*

## Definitions and Abbreviations

<b>Authorised Officer</b>	means a person authorised under the <i>Environmental Protection Act 1994</i> , the <i>Waste Reduction &amp; Recycling Act 2011</i> , <i>Local Government Act 2009</i> and all Council Local Laws & Subordinate Local Laws.
<b>Charitable Organisation</b>	means an organisation officially recognised as devoted to the assistance of those in need.
<b>Commercial Premises</b>	means any of the following types of premises: <ul style="list-style-type: none"><li>• a hotel, motel, caravan parks, café, food store or canteen;</li><li>• an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;</li><li>• premises where a sport or game is ordinarily played in public;</li><li>• an exhibition ground, showground or racecourse; or</li><li>• an office, shop or other premises where business or work, other than a manufacturing process, is carried out.</li></ul>
<b>Commercial Waste</b>	means waste (other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer) produced as a result of the ordinary use or occupation of commercial premises.
<b>Designated Area</b>	means the area that the Council has resolved to be the area in which the Council may conduct general waste or green waste collection.
<b>Domestic Premises</b>	means any of the following types of premises: <ul style="list-style-type: none"><li>• a single unit private dwelling;</li><li>• premises containing two or more separate flats, apartments or other dwelling units; or</li><li>• a boarding house, hostel, lodging house or guest house.</li></ul>

*In interpreting this definition, it is submitted that a dwelling that is part of a commercial or industrial building or part of an agricultural enterprise, is a domestic premise.*

<b>Domestic Waste</b>	means waste (other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer) produced as a result of the ordinary use or occupation of domestic premises.
<b>Domestic Clean-up Waste</b>	means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.
<b>General Waste</b>	means: <ul style="list-style-type: none"> <li>• waste other than regulated waste; and</li> <li>• any of the following: <ul style="list-style-type: none"> <li>○ commercial waste</li> <li>○ domestic waste</li> <li>○ recyclable waste</li> </ul> </li> </ul>
<b>Green Waste</b>	means grass clippings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises, excluding logs or stumps over 300mm in diameter.
<b>Industrial Waste</b>	means: <ul style="list-style-type: none"> <li>• interceptor waste; or</li> <li>• waste other than the following: <ul style="list-style-type: none"> <li>○ commercial waste</li> <li>○ domestic clean-up waste</li> <li>○ domestic waste</li> <li>○ green waste</li> <li>○ recyclable interceptor waste</li> <li>○ recyclable waste</li> <li>○ waste discharged to sewer.</li> </ul> </li> </ul>
<b>Interceptor</b>	means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.
<b>Interceptor Waste</b>	means matter, other than recyclable interceptor waste, intercepted by and held in an interceptor.
<b>Non-profit organisation</b>	means an organisation where all revenue raised goes directly towards advancing a relevant public purpose, that no individual makes a personal profit out of the operations, that no remuneration is made to any individual, member or employee or the organisation, relies on volunteers and does not receive significant government funding for its operations.
<b>Occupied Land</b>	means land other than vacant land and includes land with a shed, caravan or similar structure, where people may reside, regardless of the length of time.
<b>Occupier of Premises</b>	means the person who has the control or management of the premises.
<b>Owner of Premises</b>	means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were to let to a tenant at a rent.
<b>Premises</b>	includes domestic premises, government premises. Industrial premises and commercial premises.

<b>Rates</b>	includes supplementary rates.
<b>Recyclable Interceptor Waste</b>	means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.
<b>Recyclable Waste</b>	means clean and inoffensive waste and includes the following: <ul style="list-style-type: none"> <li>• cardboard and mixed paper;</li> <li>• aluminium steel cans, aerosol cans and foil trays;</li> <li>• certain plastics with the recycling symbol of 1- 5;</li> <li>• empty milk and juice cartons;</li> <li>• glass bottles and jars.</li> </ul>
<b>Regulated Waste</b>	has the meaning given in the <i>Environmental Protection Regulation 2019</i> .
<b>Standard General Waste Container</b>	means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste as premises in the local government's area and for the avoidance of doubt, includes one (1) or more containers each of which is approved by the local government for storing, at premises in the local government's area: <ul style="list-style-type: none"> <li>○ one (1) or more multiple types of commercial waste; or</li> <li>○ one (1) or more multiple types of recyclable waste.</li> </ul> <p><i>Example – the Local Government may approve one (1) container for storing recyclable waste which is green waste and one (1) container for storing recyclable waste other than green waste.</i></p>
<b>Waste</b>	has the meaning given in the <i>Environmental Protection Act 1994</i> and includes anything that is specified to be waste under a subordinate local law.
<b>Waste Service</b>	refers to the storage, collection and conveyance of waste and the disposal thereof.
<b>Waste Services Charges</b>	means a charge set by Council in the Revenue Statement.

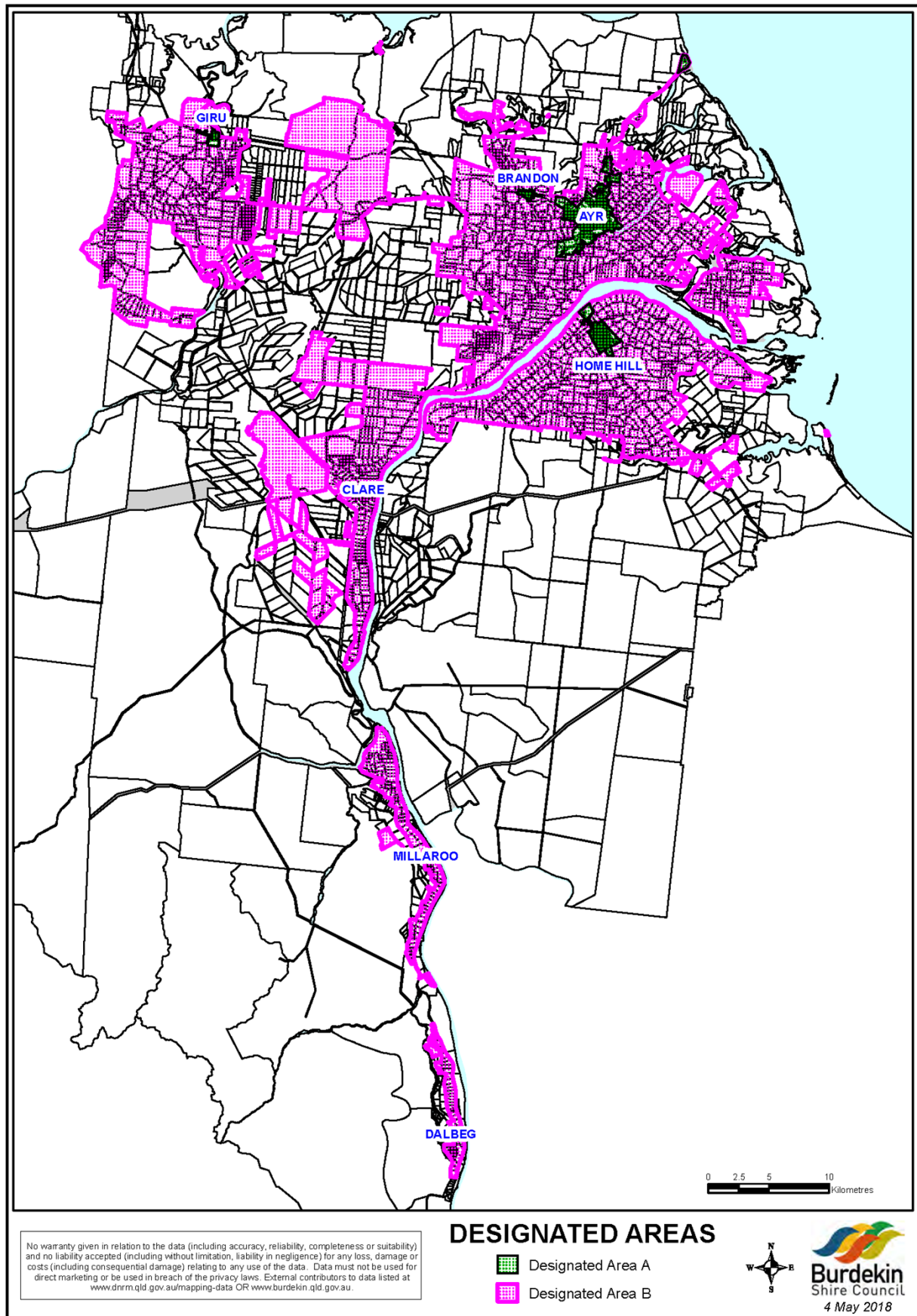
## Related Documents

Reference Number	Document Title
Schedule 1	Schedule 1 – Maps of Waste Collection Areas
ECM 1367706	Current Waste Contract
DLGRMA Website	Local Law No 8. (Waste Management) 2018

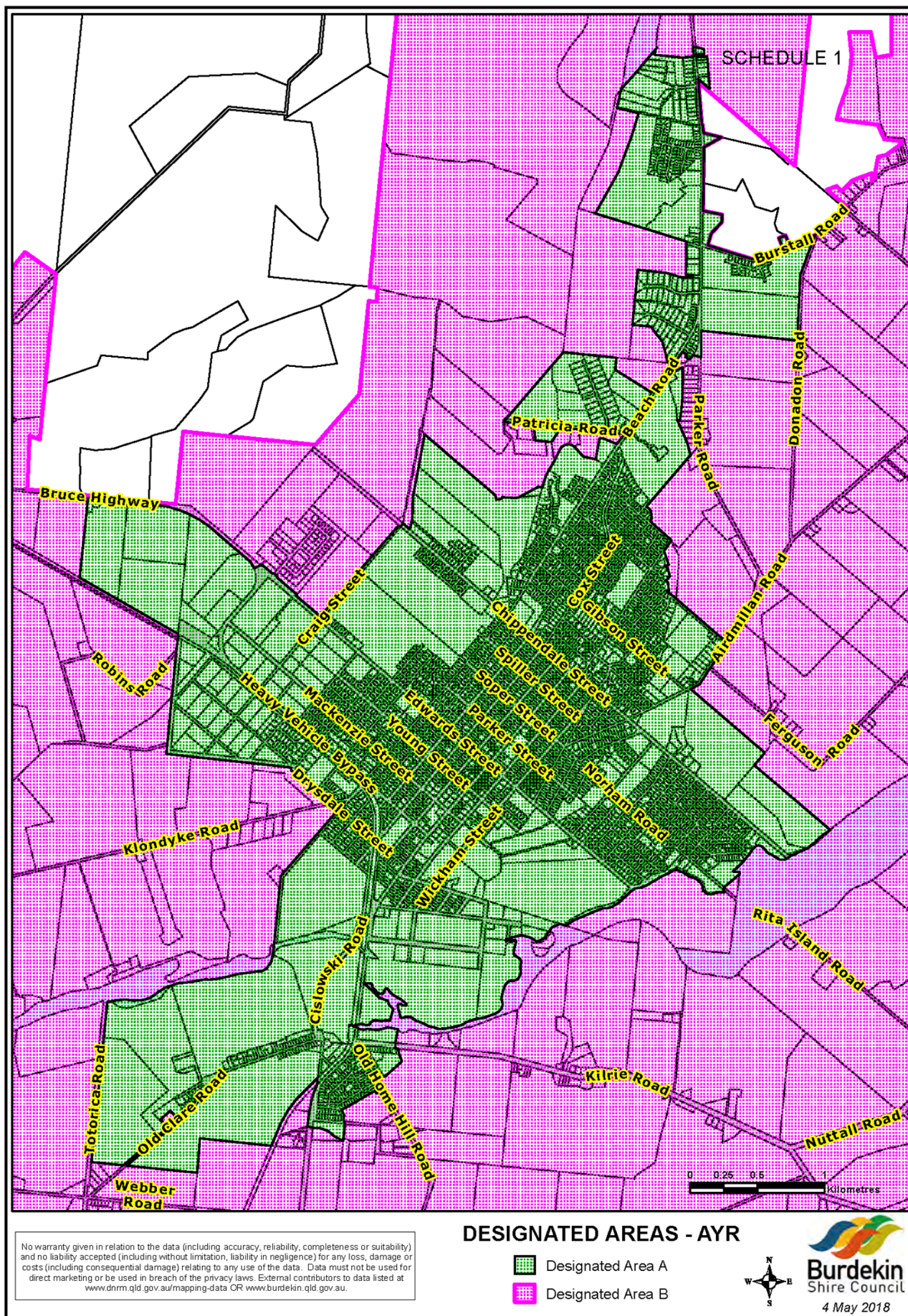
## Document History and Version Control

Title of Document	Waste Management Policy
Document Reference Number	WST-POL-0001 Rev 3
Review Schedule	24 months
Council Meeting Date	26 April 2023
Council Resolution Number	<a href="#">Click or tap here to enter text.</a>

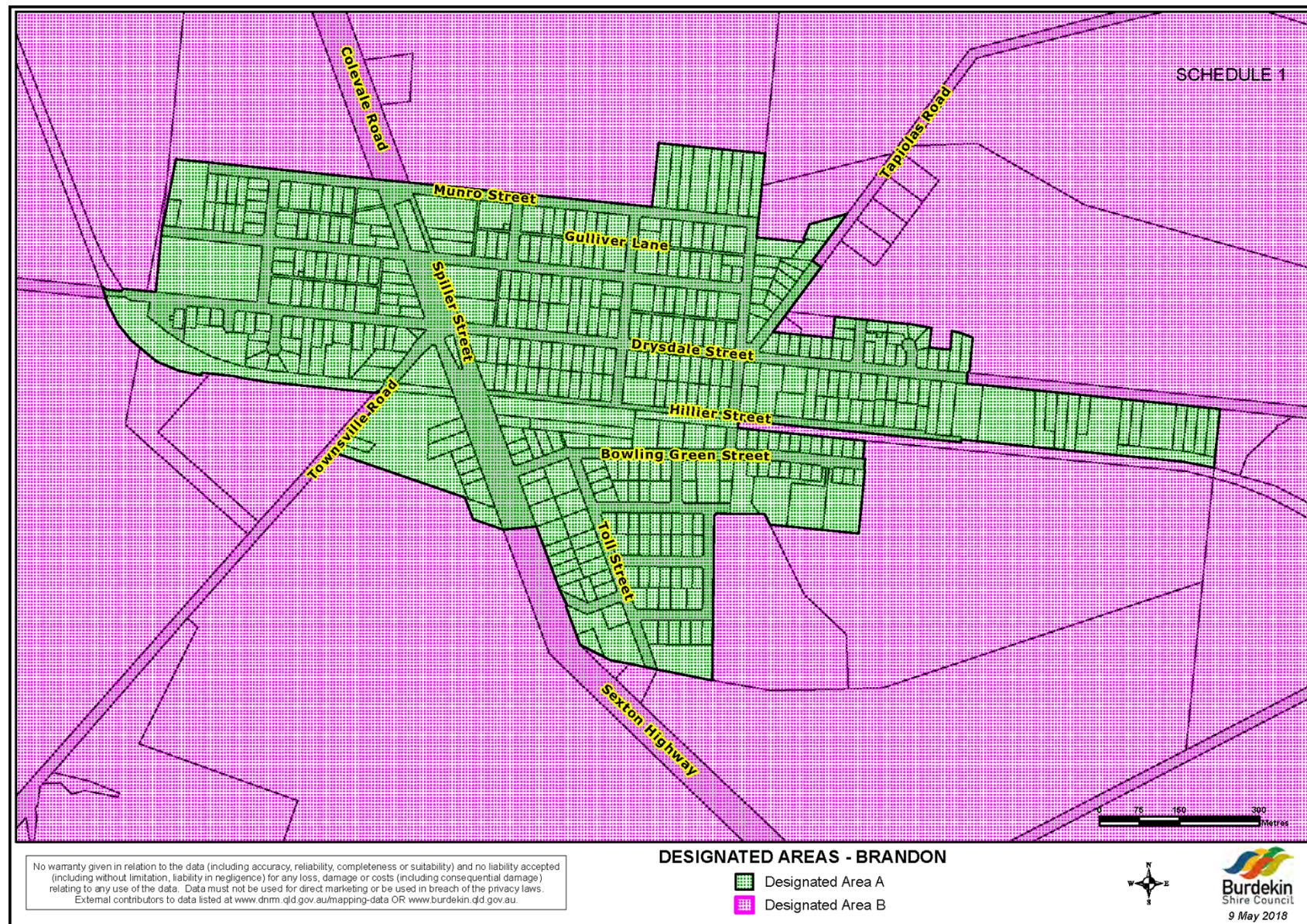
## Schedule 1 – Maps of Waste Collection Areas



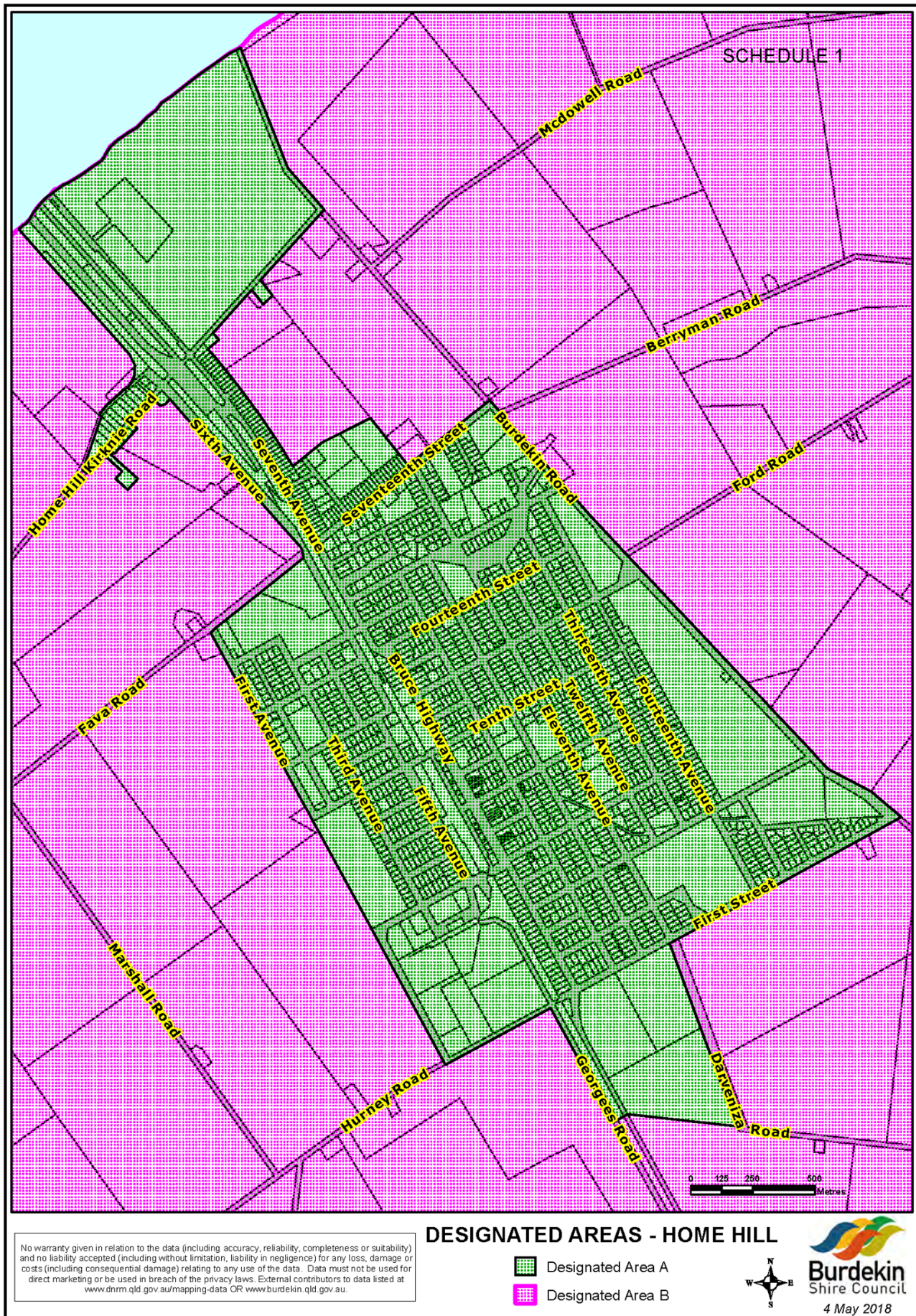




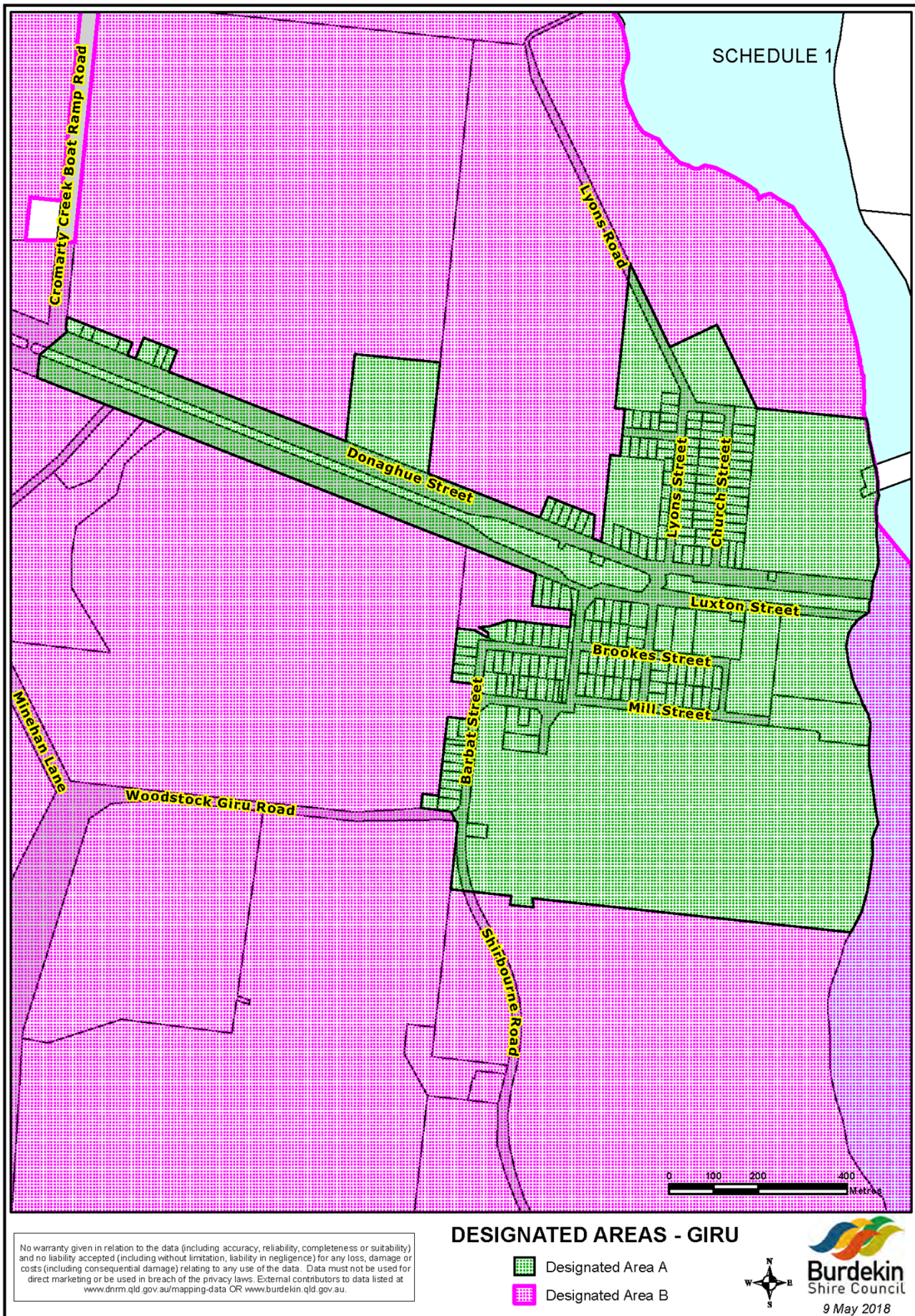












### 7.3.1. PLANNING AND DEVELOPMENT

#### Development Application for Reconfiguring a Lot - Subdivision One (1) Lot into Two (2) Lots at 39 and 43 Robins Road, Ayr (Lot 4 on RP719819)

**File Reference:** 234 (RAL23/0003)

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

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

**Meeting Date:** 26 April 2023

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

Burdekin Shire Council Corporate Plan 2022-2027

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

Burdekin Shire Council Operational Plan 2022-2023

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.

---

#### **Executive Summary**

Council is in receipt of a development application lodged by Milford Planning on behalf of applicant, Antonio Sandona for reconfiguring a lot (subdividing one (1) lot into two (2) lots) on land described as Lot 4 on RP719819 and located at 39 and 43 Robins, Ayr. The total current site area of Lot 4 is 28.9ha.

The application has been made under the *2011 Burdekin Shire Council IPA Planning Scheme* (2011 Scheme) and must be assessed against it. Weight however has also been given to the relevant aspects of the new Burdekin Shire Council 2022 Planning Scheme (2022 Scheme) which is now in effect, in the assessment of the proposed development.

The application is code assessable under the 2011 Scheme and therefore did not require public notification. The application did not require referral to any referral agencies.

Officers have assessed the development application and have determined it is inconsistent with and is not able to be conditioned to be consistent with, the assessment benchmarks relevant to the development application (neither in the formal assessment against the 2011 Scheme nor the informal assessment against the 2022 Scheme).

Agricultural resources, especially those undertaken on good quality agricultural land are of significant importance in the Burdekin Shire and should be maintained at the minimum size determined by the State as being viable and protected from incompatible uses, as GQAL land is not easily restored once removed from the productive agricultural activity.

The application is therefore recommended for refusal.

## Recommendation

That Council refuse the proposed Reconfiguring of a Lot (one (1) lot into two (2) lots) on land described as Lot 4 on RP719819 and located at 39 and 43 Robins Road, Ayr, given it is inconsistent with, and not able to be conditioned to be consistent with, the assessment benchmarks relevant to the development. In particular:

- a) The proposed development is not consistent with the purpose and overall outcomes sought for the Reconfiguring a Lot Code, specifically:
- (i) Lot Layout - SO6 Acceptable Solution S6 prescribes the minimum lot sizes for Rural land to have a (minimum) 200.0m frontage and a 30.0ha minimum lot size.
  - (ii) Good Quality Agricultural Land – SO11 provides: Good quality agricultural land is retained for agriculture or intensive agriculture by avoiding reconfiguring good quality agricultural land for other purposes, unless it can be demonstrated that:
    - a) the land is not actually good quality agricultural land;
    - b) the proposal does not create any additional new lots;
    - c) the balance area has acceptable utility for rural, rural industry or other rural purposes;
    - d) the intended use of the balance area will not lead to degradation of the land or water resources;
    - e) the balance area has a reliable water supply, the ability to meet acceptable effluent disposal standards, practicable constructed road access and acceptable drainage provisions;
    - f) the excision of land containing a valuable feature of natural or cultural heritage significance.
- b) The proposed development results in allotments of a size that make contribute to a net loss in overall agricultural productivity and will impact on future use of land within the Priority Agricultural Area, which is inconsistent with the assessment benchmarks under Regional Outcome 1.1 of the North Queensland Regional Plan.

## Background

The development application lodged by Milford Planning on behalf of applicant, Antonio Sandona, is for the subdivision of land described as Lot 4 on RP719819 and located at 39 and 43 Robins, Ayr to create two (2) lots (refer proposal plan included as Attachment A and locality plan included at Attachment B).

The applicant states they are seeking to undertake the proposed subdivision to:

- Formally separate the extent of the land used for agricultural purposes from the land associated with one of the existing residential dwellings (being the residence located at the street address of 43 Robins Road, Ayr);
- Facilitate an outcome that results in one residential dwelling on each allotment, with the existing residential dwelling and shed associated with the agricultural use (at street address 39 Robins Road) to be located on the proposed agricultural allotment; and
- Retain the full extent of existing agricultural land on a single allotment, with an existing extent of approximately 28ha.

Further the applicant provided the following detailed assessment in their application, to support their application, despite non-compliance with the assessment benchmarks:



## 5.6 Planning Scheme Detailed Assessment

### Reconfiguring a Lot Code

O6	The lot layout provides for: a) a wide range of needs for land; and b) lots of a size and dimension suitable for their intended use.	S6	Minimum frontage and lot size occurs in accordance with Table 19.1, unless prescribed otherwise in a Zone or Use Code.
----	--	----	--

#### Complies with O6

The proposed development does not comply with S6 of the Reconfiguring a Lot Code given proposed Lot 41 and proposed Lot 42 do not comply with the accepted minimum lot size for intensive agricultural purposes of 30 ha.

Compliance with O6 of the Reconfiguring a Lot Code is however achieved, given the proposed development:

- provides allotments of a size and dimension suitable for the intended use as demonstrated by the established nature of the uses;
- formalises the existing separation between an established residential premises a now unrelated agricultural operation;
- results in no loss of agricultural land, with the existing agricultural land having a total area of approximately 28.6 ha (insignificantly less than the 30 ha area assumed suitable for viable agricultural operations); and
- does not facilitate the loss of agricultural land in the future through the use right to build a residential dwelling on all rural allotments, with the existing allotment containing two residential dwellings, one of which will be retained on the proposed agricultural lot.

O11	Good quality agricultural land is retained for agriculture or intensive agriculture by avoiding reconfiguring good quality agricultural land for other purposes, unless it can be demonstrated that: a) the land is not actually good quality agricultural land; b) the proposal does not create any additional new lots; c) the balance area has acceptable utility for rural, rural industry or other rural purposes; d) the intended use of the balance area will not lead to degradation of the land or water resources; e) the balance area has a reliable water supply, the ability to meet acceptable effluent disposal standards, practicable constructed road access and acceptable drainage provisions; f) the excision of land containing a valuable feature of natural or cultural heritage significance.	S11	None specified.
-----	---	-----	-----------------

#### Complies with O11

The proposed development complies with PO11 of the Reconfiguring a Lot Code given the subdivision of the land:

- will result in no loss of agricultural land, with the full extent of the existing cropping footprint to be retained;
- results in the formalisation of the existing separation between the established residential premises a now unrelated agricultural operation, with the residential component of the land containing associated infrastructure rendering it unsuitable for agricultural purposes at any time in the future; and
- provides sufficient area and dimensions on each of the proposed allotments to sustainably support the respective agricultural and residential uses, as demonstrated by the established nature of the separate land uses.

## 6.0 CONCLUSION

### 6.1 Assessment Summary

The assessment of the proposed development against the relevant assessment benchmarks detailed in this development application supports a recommendation for approval based on the following reasons:

- the proposed development complies with the assessment benchmarks prescribed by the North Queensland Regional Plan in relation to protecting Priority Agricultural Areas;
- the proposed development complies with the relevant planning scheme assessment benchmarks; and
- compliance with the relevant assessment benchmarks can be managed through reasonable and relevant conditions.

Particular matters supporting the approval of the proposed development include the following:

- the proposed subdivision will not result in the loss of any agricultural land, with the allotment boundaries proposed reflective of the existing extent of the residential and agricultural land uses;
- the proposed subdivision will not result in a net loss to overall agricultural productivity within the State regulated Priority Agricultural Area;
- the proposed subdivision seeks to formalise an existing sustainable land use arrangement and will provide each of the existing residential dwellings on the land its own allotment;
- the proposed subdivision will not result in any additional demand on Council's infrastructure networks; and
- the proposed development aligns with Council's strategic position designed to facilitate the subdivision of established residential dwellings from agricultural land where it will not result in the loss of productive agricultural land.

### Level of Assessment

The development application is subject to a code level of assessment in the current Planning Scheme and therefore did not require public notification.

### Subject Site and Surrounding Land Uses

A locality plan is provided at Attachment B. The subject site is located within the Rural Zone of the 2011 Scheme, with Lot 4 having a total area of 28.93ha and containing two (2) existing residential dwellings and a farm shed.

The subject site is serviced by Council's reticulated water supply only.

The site is traversed by Easement C on SP129614, located over an open channel along the south-eastern boundary of the allotment for the purpose of irrigation water distribution.

The subject land is located on the immediate outskirts of the Ayr urban footprint, with rural residential type land in the Village Zone located to the immediate east of the subject site.

The applicant advised in their application that the subject land itself is physically separated from all adjoining agricultural land. Road reserve, containing the formed and publicly accessible Robins Road, adjoins the majority of the perimeter of the land. Where the land is not adjacent to road reserve, it is physically separated from adjoining agricultural land by a large open channel used for irrigation water distribution. The properties in the immediate locality of the subject land are used for primarily agricultural purposes, particularly small-scale sugar cane cropping. Agricultural land within the immediate locality comprises allotments with an average size of under 30 ha, which reflects the central location within close proximity to the Ayr township and good quality land capable of achieving high yields.

### Background

The applicant has previously applied for a similar reconfiguration approval in 2016. Due to the proposal being considered inconsistent with the outcomes sought by the 2011 Scheme, as the lot areas did not achieve the minimum 30.0ha lot size required, officers' recommendation was refusal. Council endorsed the officer's recommendation, and the application was refused.

### Information Request

Council's initial assessment of the development application identified additional information was required and requested further information on the following:

- Existing shed use, as a Class 7b shed needs a minimum 3.0m setback from a boundary.
- Proposed potable water supply to proposed Lot 41 (given that no new water connections are currently permitted in the Rural Zone).

The applicant provided the following responses to Council's information request:

- The existing shed was confirmed as being used for farming purposes (Class 7b) and provided an amended plan achieving the minimum 3.0m setback from the boundary.
- It is confirmed that both existing residential dwellings are currently serviced by a single water meter located within proposed Lot 42. The existing water main in Robins Road was upgraded – for the full extent of Robins Road from the North Coast rail line – by the applicant at the time of the construction of the residential dwelling on proposed Lot 42.

The purpose of the upgrade was to ensure sufficient water pressure and supply was available to all dwellings.

Following the registration of separate title, a separate water meter will be installed in the previously upgraded water main at the frontage of the dwelling on proposed Lot 41. The existing private water connection from proposed Lot 42 will be disconnected/ removed.

Given the water main was designed to accommodate the demand of the dwellings on both proposed Lots 41 and 42, the additional connection will not result in any change to the existing potable water demand.

Note: Council is not currently permitting any new water connections in the Rural Zone.

### Further Advice Request

When preparing the application for a workshop presentation, Council officers sought further advice from the applicant as to whether any alternative options were explored to achieve the 30.0ha minimum for the farmed parcel, either prior to or post subdivision.

The applicant advised that there were not any other options available to increase the area of farmed lot for this development application.

### Public Notification

Not applicable.

### Referral Agency Response

Not applicable as the Development Application did not require referral to the *North Queensland State Assessment and Referral Agency (NQSARA) under the Planning Regulation 2017*.

### Detailed Assessment

Refer to Attachment D for the detailed assessment formally against the provisions of the current planning scheme and informally against the provisions of the new scheme.

### Burdekin Shire IPA Planning Scheme 2011

Officers have completed the mandatory assessment of the development application against the provisions of the 2011 Scheme which is the scheme in effect when the development application was properly made (refer Attachment C for detailed assessment).

Under the 2011 Scheme, the development application as applied for does not comply with the outcome that requires new lots created in the rural zone to achieve a minimum area of 30.0ha.

Historically any such application proposing new lots in the rural zone not achieving the 30.0ha minimum lot size would generally be recommended for refusal by officers.

#### Burdekin Shire Planning Scheme 2022

Council's new 2022 Planning Scheme which was awaiting adoption at the time of lodgement of the development application, has now been adopted, commencing on the 1 March 2023.

Under the new 2022 scheme, the proposed development does not demonstrate compliance with Outcome 2.4 Economic Growth of its Strategic Framework, in particular Strategic Outcome 2.4.1 Diverse Rural Futures (3) which states:

*....All land in the rural zone is protected from fragmentation as a result of the creation of small lot sizes below the minimum size nominated in the zone code. Reconfiguration creating lots below these minimum sizes does not occur, other than where:*

*(a) consolidating the balance of the farmed lot which is a minimum of 30ha, and the single lot created contains a dwelling house that existed at the commencement of this planning scheme; or  
(b) a result of rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land or the protection of its environmental values, without increasing the number of lots.....*

#### The Coty Principle and Relevant Matters

Council's new planning scheme was expected to be in place by September 2022. However it was not approved for adoption by the State until late December 2022. Council adopted the scheme in February 2023, and the 2022 scheme became effective from 1 March 2023.

Therefore, while this development application has been lodged prior to the commencement of the new scheme, it is considered that significant weight can be given to the provisions of the new scheme in the assessment of this development application because of how far progressed the adoption of the new scheme was, at the time of lodgement of the development application, on account of the Coty Principle.

This principle comes out of the case of *Coty (England) Pty Ltd -vs- Sydney City Council (1957)* which provides that weight may be given to a new planning document (which arises after the lodgement date), depending on how far it is along the legislative path to adoption. Essentially the principle provides that the new document be given more weight the further it is along the legislative path. Generally the cases indicate that if the new document (i.e. scheme) is towards the end of the public notification period, it should receive considerable weight.

Given this, Council officers have also completed an informal assessment against the 2022 Scheme provisions for information only (refer Attachment C).

As a result of this assessment, Council officers found the proposed development does not comply with the outcomes sought by the 2022 Scheme either.

Under the existing scheme where a code level of assessment is currently applicable to the development application, Officers are constrained in their assessment ability to give weight to other relevant matters. This would be assessment option would be available to officers if the development was subject to an impact level of assessment, which is the case in the new 2022 Scheme.



### Assessment Summary

An assessment of the development application has been undertaken and while the applicant has listed their reasons as to why Council should support their application, Council officers consider that the proposed subdivision fails to achieve compliance with the assessment benchmarks in both the 2011 and the 2022 Planning Schemes. The primary non-compliances with both Schemes relate to:

- The inability to meet the minimum lot sizes for a farmed lot for the Rural Zone in both of the Planning Schemes;
- Compromises the achievement of specific Desired Environmental Outcomes (DEO's) in the 2011 Scheme.
- Conflicts with the specific Strategic Framework outcomes sought by the 2022 Scheme.
- The potential impact of the proposed subdivision on the future and ongoing productive capacity of the land.

The proposed development is non-compliant with the following applicable benchmarks from the 2011 Scheme, as it creates another lot and does not minimum lot sizes requirements:

### Reconfiguring a Lot Code

- Lot Layout - SO6

Acceptable Solution S6 prescribes the minimum lot sizes:

Acceptable Solution S6 prescribes the minimum lot sizes:

Rural Zone	<b><i>Rural Purposes</i></b>		
	Intensive Agriculture	200	30ha
	All other uses	500	100ha
	Rural Industry	50	1ha
	Rural Settlement Allotment	40	4000

- Good Quality Agricultural Land – SO11 provides: Good quality agricultural land is retained for agriculture or intensive agriculture by avoiding reconfiguring good quality agricultural land for other purposes, unless it can be demonstrated that:

- a) the land is not actually good quality agricultural land;
- b) the proposal does not create any additional new lots;
- c) the balance area has acceptable utility for rural, rural industry or other rural purposes;
- d) the intended use of the balance area will not lead to degradation of the land or water resources;
- e) the balance area has a reliable water supply, the ability to meet acceptable effluent disposal standards, practicable constructed road access and acceptable drainage provisions;
- f) the excision of land containing a valuable feature of natural or cultural heritage significance.

### North Queensland Regional

PlanThe proposed development is non-compliant with the following assessment benchmarks of the North Queensland Regional Plan:

- Development does not result in, or contribute to, a net loss to overall agricultural productivity within the Priority Agricultural Area (PAA); and
- Development does not result in widespread or irreversible impacts to the future use of a PAA for agricultural areas.

### **Consultation**

All relevant Council Departments have been consulted with. The application did not require Public Notification, nor did it require referral to NQSARA for assessment against any State interests.

**Budget & Resource Implications**

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

**Legal Authority & Implications**

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.

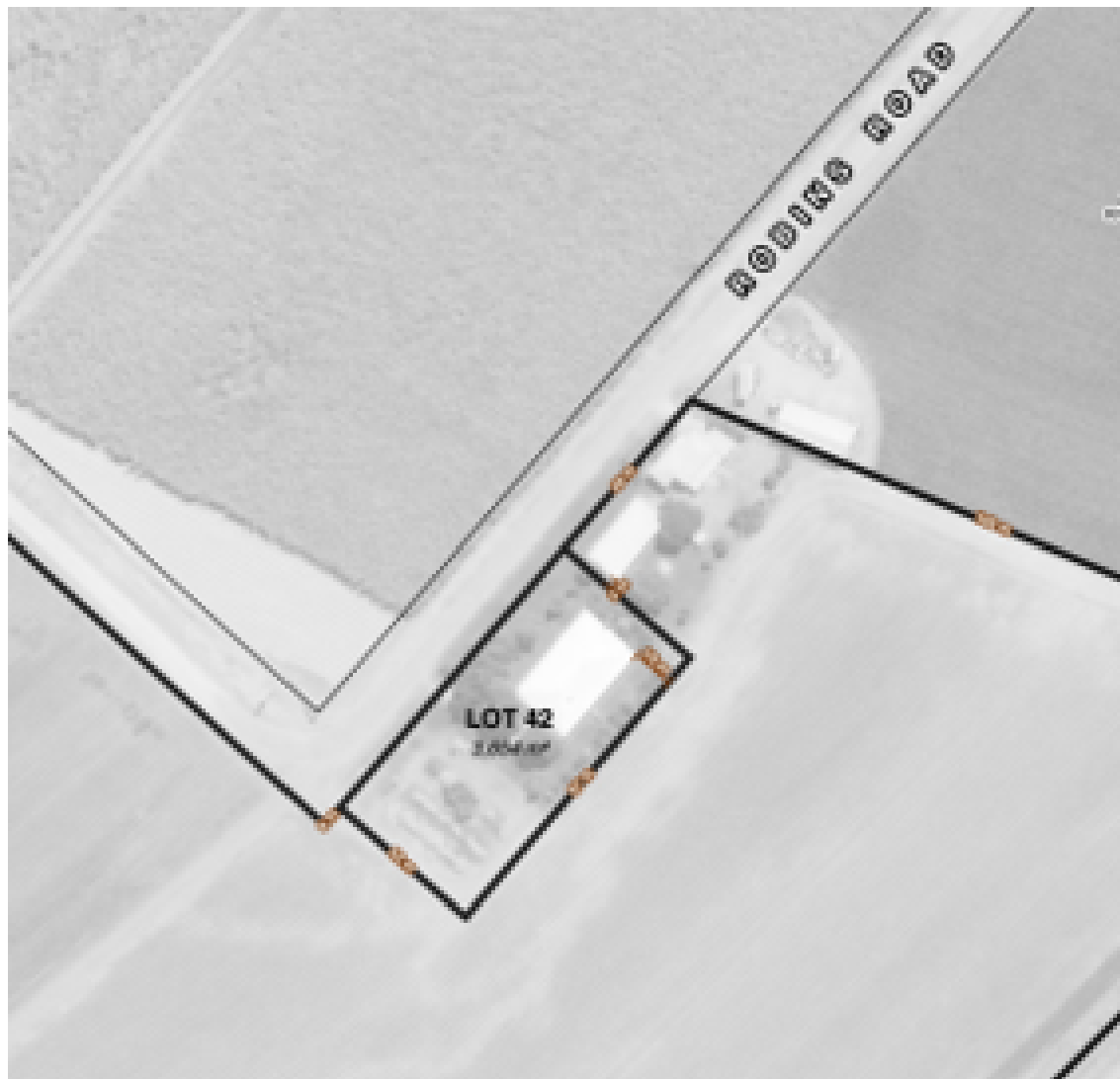
**Risk Implications (Strategic, Operational, Project Risks)**

Not Applicable.

**Attachments**

1. Attachment A - Proposal Plan
2. Attachment B - Locality Plan
3. Attachment C - Detailed Assessment

## Attachment A – Proposal Plan

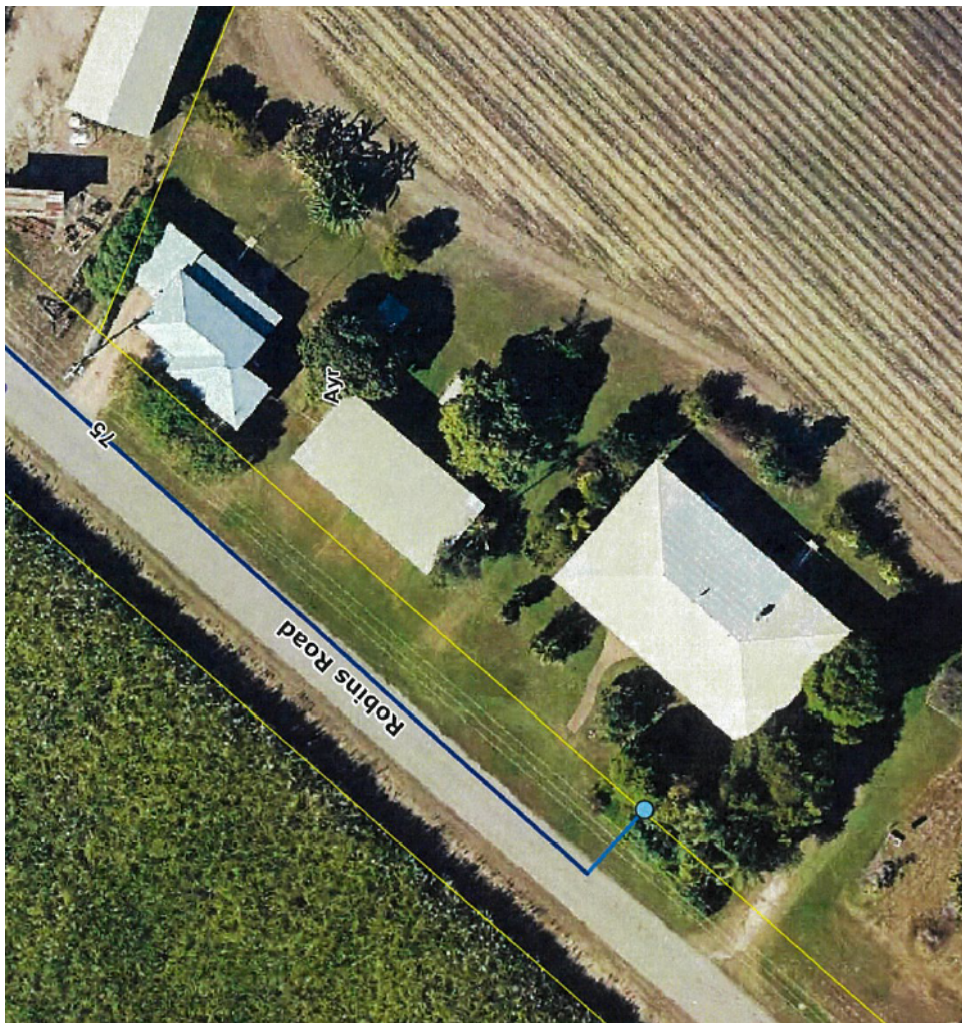




## Attachment B – Locality Plan



Current water main location:





ASSESSMENT TIMEFRAMES			
Application Process		Timeframe	Date
1.0	Initial application lodged with Council (properly made)	-	23 February 2023
1.1	Action Notice issued	5 days (from 1.0)	Not Applicable
1.2	Confirmation Notice issued	10 days (from 1.0)	8 March 2023
2.0	Application referred (properly referred)	10 days (from 1.2)	Not Applicable
2.1	Referral agency response	25 days (from 2.0)	Not Applicable
3.0	Council Information Request	10 days (from 1.2)	16 March 2023
3.1	Response to Information Request	3 months (from 3.0)	20 March 2023
4.0	Public Notification starts	20 days (from 3.1)	Not Applicable
4.1	Public Notification ends	Min. 15 business days	Not Applicable
4.2	Consider submissions	10 days (from 4.1)	Not Applicable
35.1	Further Advice Request	-	19 March 2023
35.2	Response to Further Advice Request	-	19 March 2023
5.0	Decision making period starts	1 day (after last applicable)	20 March 2023
5.1	Request to extend the decision-making period	-	Not Applicable
	Council Meeting		26 April 2023
5.2	Decision making period ends	35 days (minus up to 10 days from 3.0)	26 April 2023
5.3	Issue Decision Notice	5 days (after decision is made)	4 May 2023

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 above means a business day as defined by the *Planning Act 2016*. *Note: Public holidays and close down periods are excluded from business days.* If no decision has been made within the relevant decision-making period, the application can be deemed approved by the applicant with standard conditions imposed.

### Reconfiguration of a Lot (RAL23/0003)

The development proposal was lodged under and is assessable under the *Burdekin Shire IPA Planning Scheme 2011* 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*.

### Level of Assessment

In accordance with the 2011 Scheme, a reconfiguring a lot application is code assessable and does not require public notification. Note, under the 2022 Scheme, any application for a reconfiguration of a lot that proposes the creation of lots that do not meet the minimum lot size, will trigger an impact level of assessment.

## Attachment C – Detailed Assessment

### Referral

The application was reviewed against the *Planning Act 2016* to assess whether the application triggered referral agency assessment. The application did not trigger referral to the North Queensland State Assessment and Referral Agency (NQSARA) under the *Planning Regulation 2017*.

### 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*.

An assessment against the relevant provisions of both the *Burdekin Shire IPA Planning Scheme 2011* (current at the time of lodgement) and the new 2022 *Planning Scheme* (which came into effect 1 March 2023) has been undertaken below:

<b>Burdekin Shire IPA Planning Scheme 2011</b>			
<b>APPLICABLE ASSESSMENT BENCHMARKS</b>			
<b>Development</b>	<b>Zone</b>	<b>Overlays</b>	<b>Assessment Benchmarks</b>
Reconfiguring a Lot – One (1) Lot into Two (2) Lots	Rural Zone	Nil	<ul style="list-style-type: none"> <li>▪ Rural Zone Code</li> <li>▪ Reconfiguring a Lot Code</li> </ul>
<b>ASSESSMENT</b>			
<b>Rural Zone Code</b>			
<p>The overall outcomes sought for the Rural Zone code are the following:</p> <p>(a) Rural land will be used sustainably to ensure the viability of agriculture by maintaining the primary industry base, supported by diversification into smaller scale rural industries such as horticulture and aquaculture.</p> <p>(b) The establishment of new sustainable rural industries or activities in order to broaden the economic base of the Shire will be facilitated.</p> <p>(c) Rural industries including agri-business and industries that service the rural sector are established in appropriate locations and adopt management measures to minimise environmental impacts.</p> <p>(d) Incompatible land uses do not intrude on the expansion and continuation of primary industries.</p>			

(e) Where potentially incompatible land uses interface with land used for intensive agriculture, an appropriate buffer or separation distance will be provided in accordance with the Guidelines for Separating Agricultural and Residential Land uses.

(f) Uses and works are located, designed and managed to:

- be compatible with other uses and works.
- maintain the safety of people and works.
- conserve and protect good quality agricultural land (GQAL) in accordance with State Planning Policy 1/92; and
- avoid significant adverse effects on surface water (drainage areas) and ground water resources (recharge areas), riparian vegetation, stream bank stability, remnant native vegetation, rural views and quiet rural amenity.

**Officers Comment**

Where relevant, the proposed development is considered to comply with outcomes sought by the Rural Zone Code, except for part 3 of Outcome (f), as it proposes lot sizes under the minimum required to ensure that GQAL is conserved and protected in accordance with the requirements of the SPP1/92.

**Reconfiguring a Lot Code**

The overall outcomes sought for the Reconfiguring a Lot code are the following:

- (a) if rearranging the boundaries of a lot, the utility and access to all lots affected is improved or maintained to an adequate extent.
- (b) to provide safe, convenient and attractive urban neighbourhoods, settlements and functional industrial and commercial areas that meet the diverse and changing needs of the community.
- (c) in the rural areas provide for the efficient use of land and infrastructure as well as safe neighbourhoods.
- (d) as reconfiguring occurs, productive rural land and land holdings are restructured and amalgamated wherever possible.
- (e) existing farm units and small holdings are not further reconfigured for non-agricultural purposes on good quality agricultural land.
- (f) functional street networks are created providing acceptable levels of access, safety, through traffic, service provision and convenience.
- (g) a range of lot sizes with a variety of areas and dimensions are provided.
- (h) the useability of and access to all existing and created lots affected is improved or maintained to an adequate extent.

- (i) public open space is provided to meet community needs and for landscaping.
- (j) development is adequately serviced commensurate with locations; and
- (k) adequate stormwater drainage systems are provided.

**Officers Comment**

The proposed subdivision development is not considered to comply overall with the relevant outcomes sought by the Reconfiguring a Lot Code, in particular the minimum frontage and lot sizes specified for a rural lot.

Specific assessment against the relevant provisions of the Reconfiguring a Lot Code is provided below:

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
<b><i>Lot Layout</i></b>		
<p>The lot layout provides for:</p> <ul style="list-style-type: none"> <li>a) a wide range of needs for land; and</li> <li>b) lots of a size and dimension suitable for their intended use.</li> </ul>	<p>Minimum frontage and lot size occurs in accordance with Table 19.1, unless prescribed otherwise in a Zone or Use Code.</p>	<p>The proposed development does not comply with the minimum frontage and lot sizes specified for a rural lot, that is used for farming and considered to be GQAL.</p>



Assessable Development																																																																																					
Specific Outcomes	Acceptable Solutions		Comment																																																																																		
	<div>TABLE 19.1 MINIMUM LOT SIZE AND FRONTAGE</div> <table><tr><th>ZONE</th><th>DEVELOPMENT</th><th>FRONTAGE(m)</th><th>AREA (m<sup>2</sup>)</th></tr><tr><td rowspan="11">Residential and Village Zones</td><td><b>Residential Purposes</b></td><td></td><td></td></tr><tr><td>Accommodation Building</td><td>20</td><td>1000</td></tr><tr><td>Caravan Park</td><td>40</td><td>1ha</td></tr><tr><td>Duplex Units</td><td>15</td><td>500</td></tr><tr><td>Dwelling House (not able to be connected to sewerage)</td><td>15</td><td>800</td></tr><tr><td>Dwelling House (able to be connected to sewerage)</td><td>15</td><td>500</td></tr><tr><td>Motel</td><td>20</td><td>1000</td></tr><tr><td><b>Multiple Unit Development</b></td><td></td><td></td></tr><tr><td>3-4 Units</td><td>20</td><td>800</td></tr><tr><td>5-8 Units</td><td>20</td><td>1000</td></tr><tr><td>8+ Units</td><td>20</td><td>No. of units x 250m<sup>2</sup></td></tr><tr><td>Retail and Commercial Zone</td><td><b>Commercial Purposes</b></td><td></td><td></td></tr><tr><td></td><td>All commercial/retail</td><td>10</td><td>400</td></tr><tr><td rowspan="4">Industry Zone</td><td><b>Industry Purposes</b></td><td></td><td></td></tr><tr><td>Light Industry</td><td>20</td><td>1000</td></tr><tr><td>Noxious or offensive industry</td><td>20</td><td>4000</td></tr><tr><td>All other purposes</td><td>20</td><td>1000</td></tr><tr><td rowspan="5">Rural Zone</td><td><b>Rural Purposes</b></td><td></td><td></td></tr><tr><td>Intensive Agriculture</td><td>200</td><td>30ha</td></tr><tr><td>All other uses</td><td>500</td><td>100ha</td></tr><tr><td>Rural Industry</td><td>50</td><td>1ha</td></tr><tr><td>Rural Settlement Allotment</td><td>40</td><td>4000</td></tr><tr><td rowspan="2">Public Purposes Zone</td><td><b>Public Purposes</b></td><td></td><td></td></tr><tr><td>All public purposes</td><td>20</td><td>1000</td></tr></table>		ZONE	DEVELOPMENT	FRONTAGE(m)	AREA (m <sup>2</sup> )	Residential and Village Zones	<b>Residential Purposes</b>			Accommodation Building	20	1000	Caravan Park	40	1ha	Duplex Units	15	500	Dwelling House (not able to be connected to sewerage)	15	800	Dwelling House (able to be connected to sewerage)	15	500	Motel	20	1000	<b>Multiple Unit Development</b>			3-4 Units	20	800	5-8 Units	20	1000	8+ Units	20	No. of units x 250m <sup>2</sup>	Retail and Commercial Zone	<b>Commercial Purposes</b>				All commercial/retail	10	400	Industry Zone	<b>Industry Purposes</b>			Light Industry	20	1000	Noxious or offensive industry	20	4000	All other purposes	20	1000	Rural Zone	<b>Rural Purposes</b>			Intensive Agriculture	200	30ha	All other uses	500	100ha	Rural Industry	50	1ha	Rural Settlement Allotment	40	4000	Public Purposes Zone	<b>Public Purposes</b>			All public purposes	20	1000	
ZONE	DEVELOPMENT	FRONTAGE(m)	AREA (m <sup>2</sup> )																																																																																		
Residential and Village Zones	<b>Residential Purposes</b>																																																																																				
	Accommodation Building	20	1000																																																																																		
	Caravan Park	40	1ha																																																																																		
	Duplex Units	15	500																																																																																		
	Dwelling House (not able to be connected to sewerage)	15	800																																																																																		
	Dwelling House (able to be connected to sewerage)	15	500																																																																																		
	Motel	20	1000																																																																																		
	<b>Multiple Unit Development</b>																																																																																				
	3-4 Units	20	800																																																																																		
	5-8 Units	20	1000																																																																																		
	8+ Units	20	No. of units x 250m <sup>2</sup>																																																																																		
Retail and Commercial Zone	<b>Commercial Purposes</b>																																																																																				
	All commercial/retail	10	400																																																																																		
Industry Zone	<b>Industry Purposes</b>																																																																																				
	Light Industry	20	1000																																																																																		
	Noxious or offensive industry	20	4000																																																																																		
	All other purposes	20	1000																																																																																		
Rural Zone	<b>Rural Purposes</b>																																																																																				
	Intensive Agriculture	200	30ha																																																																																		
	All other uses	500	100ha																																																																																		
	Rural Industry	50	1ha																																																																																		
	Rural Settlement Allotment	40	4000																																																																																		
Public Purposes Zone	<b>Public Purposes</b>																																																																																				
	All public purposes	20	1000																																																																																		
Rural Subdivision																																																																																					
Reconfiguring a lot in the Rural Zone makes efficient use of the land and available infrastructure.	Does not comply – refer to officers’ comment above.																																																																																				

Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
<b><i>Good Quality Agricultural Land</i></b>		
<p>Good quality agricultural land is retained for agriculture or intensive agriculture by avoiding reconfiguring good quality agricultural land for other purposes, unless it can be demonstrated that:</p> <p>a) the land is not actually good quality agricultural land.</p> <p>b) the proposal does not create any additional new lots.</p> <p>c) the balance area has acceptable utility for rural, rural industry or other rural purposes.</p> <p>d) the intended use of the balance area will not lead to degradation of the land or water resources.</p> <p>e) the balance area has a reliable water supply, the ability to meet acceptable effluent disposal standards, practicable constructed road access and acceptable drainage provisions.</p> <p>f) the excision of land containing a valuable feature of natural or cultural heritage significance.</p>	<p>Does not comply.</p> <p>While the site is not mapped as being good quality agricultural land (GQAL) by the 2011 Scheme (which is assumed to be because the 2011 Scheme predates the introduction of the SPP and mapping regarding GQAL), it is currently growing cane (assumed viably) and is identified in the NQ Regional Plan as being a Priority Agricultural Area.</p> <p>The proposed subdivision:</p> <p>(a) is on a lot already under the minimum area requirement, with 28.9ha area.</p> <p>(b) does propose to create an additional lot, which further reduces the size of the farmed lot to 28.5ha</p> <p>Based on the applicants' representations, the subdivision may be considered to not have a detrimental impact on the existing good quality agricultural land of the site, given the farmed portion is actively growing cane and the existing dwellings are located on land already removed from the farmed area.</p> <p>However agricultural resources, especially those undertaken on good quality agricultural land are of significant importance in the Burdekin Shire and should be maintained at the minimum size determined by the State as being viable and protected from incompatible uses, as GQAL land not easily restored once removed from the productive agricultural activity.</p>	

2022 Burdekin Shire Planning Scheme (draft at the time of lodgement of the development application)			
APPLICABLE ASSESSMENT BENCHMARKS			
Development	Zone	Overlays	Assessment Benchmarks
Reconfiguring a Lot – One (1) Lot into Two (2) Lots	Rural Zone		<ul style="list-style-type: none"><li>All of the Planning Scheme</li></ul>
ASSESSMENT			
<b>Strategic Framework</b>  The strategic framework sets the policy direction 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.			
<b>2.3 Liveable Communities and Infrastructure</b>			The site is mapped as being Important Agricultural on the Strategic Framework Map.  The proposed development is not considered to comply, or be able to be conditioned to comply with the strategic intent and outcomes sought by the new 2022 Scheme’s Strategic Framework.  In particular, the proposed development cannot demonstrate compliance with <b>Outcome (3) of 2.4.1</b> as: <ul style="list-style-type: none"><li>(i) The proposed Lot 41 is to be 28.5ha in area and will contain the smaller existing dwelling and the existing farm shed; and</li></ul>
<b>2.4 Economic growth</b> <b>Strategic outcomes</b> <b>2.4.1 Diverse rural futures</b> (1) Burdekin has a strong and diverse rural economy, underpinned by sugar cane production but including an increasing mix of horticultural crops, animal husbandry and a range of value-adding activities associated with rural production. (2) Agricultural land classification class A and B and important priority agricultural areas are protected from encroachment of uses that may impact on the opportunity to enable increased agricultural production. (3) All land in the rural zone is protected from fragmentation as a result of the creation of small lot sizes below the minimum size nominated in the zone code. Reconfiguration creating lots below these minimum sizes does not occur, other than where: (a) consolidating the balance of the farmed lot, which is a minimum of 30ha, and the single lot created contains a dwelling house that existed at the commencement of this planning scheme. or (b) a result of rearranging lot boundaries in a way that demonstrates a substantial improvement in the			

management of the land or the protection of its environmental values, without increasing the number of lots.	(ii) The proposed Lot 42 is 0.36ha in area and will contain the other existing dwelling house.
2.5 Safe and resilient communities	
2.6 Natural resources, the environment and heritage	
Zone Code	
Rural Zone Code	
1. The purpose of the rural zone is to - <ul style="list-style-type: none"><li>(a) provide for rural uses and activities; and</li><li>(b) provide for other uses and activities that are compatible with –<ul style="list-style-type: none"><li>(i) existing and future rural uses and activities; and</li><li>(ii) the character and environmental features of the zone; and</li></ul></li><li>(c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.</li></ul>	
2. The purpose of the Rural Zone is to be achieved through the following overall outcomes: <ul style="list-style-type: none"><li>(a) rural land will be used sustainably to ensure the viability of the primary production base.</li><li>(b) other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, residential and accommodation uses in the rural zone include:<ul style="list-style-type: none"><li>(i) dwelling houses generally limited to a single dwelling house on a lot;</li><li>(ii) caretaker’s accommodation, small scale rural workers’ accommodation and non-resident workforce accommodation where they directly support primary production activities in the locality; and</li><li>(iii) small scale tourist accommodation in the form of bed and breakfasts, farm stay, cabins and camping;</li></ul></li><li>(c) in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, development is limited to a dwelling house on an existing lot; Editor’s note– Additional requirements may exist for the establishment of dwelling houses in some villages that are affected by natural hazards (refer to part 5 Overlays).</li><li>(d) land in the rural zone is not used or subdivided for urban residential or rural residential purposes.</li><li>(e) other than as provided for under (f), reconfiguration does not result in the creation of:<ul style="list-style-type: none"><li>(i) any new lots in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts; or</li><li>(ii) lots less than 30ha in important priority agricultural areas or agricultural land classification class A and B areas shown on overlay map OM2; or</li><li>(iii) lots less than 100ha elsewhere;</li></ul></li></ul>	

- (f) reconfiguration to create a smaller lot than the minimums set out in (e)(ii) and (iii) may occur where:
  - (i) consolidating the balance of the farmed lot, which is a minimum of 30ha and the single lot created contains a dwelling house that existed at the commencement of this planning scheme; or
  - (ii) rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land or the protection of its environmental values, without increasing the number of lots;
- (g) agricultural land classification class A and B and important priority agricultural areas shown on overlay map OM2 are protected from encroachment of uses that may impact on the opportunity to enable increased agricultural production.
- (h) other than for public infrastructure, non-agricultural development within priority agricultural areas does not result in a net loss in agricultural production.
- (i) intensive animal industries and aquaculture occur in the rural zone (other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts) where they are sufficiently separated from existing sensitive land uses to ensure such that significant impacts are/can be avoided.
- (j) industries which may establish in the rural zone (other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts) include only: (i) rural industries; (ii) industries processing agricultural products which require a rural location: A. for proximity to the produce being processed; or B. to ensure a clean environment separate from general industrial activities; or C. to secure a lot size larger than lots available within industrial zoned land; (iii) industries associated with the use or processing of commodities grown in the region, such as sugar cane and grain, or their by-products; (iv) extractive industries and other industries that require separation from urban or rural residential areas; and (v) renewable energy facilities;
- (k) other than within the KRA shown on overlay map OM6, any expansion of an existing extractive industry is limited to development that will not increase impacts onto the priority agricultural area or nearby sensitive land uses, the visual amenity of the locality or matters of environmental significance.
- (l) development for small scale tourism and recreational activities, such as nature-based tourism, outdoor sport and recreation, environment facilities or similar cultural attractions occur where they have a limited building footprint and do not involve significant modification of the natural landform.
- (m) home based businesses occur at a scale that is consistent with the amenity and character of the surrounding area.
- (n) development does not prejudice or detract from existing and intended rural activities in the surrounding area, or on the functionality of the stock route network shown on overlay map OM2.
- (o) development does not significantly impact on: (i) water and soil quality; (ii) the amenity of nearby sensitive land uses; (iii) the landscape and natural values of the locality; and (iv) the capacity of the road network on which it relies.
- (p) development minimises impacts on the natural environment and maintains habitat areas and corridors.
- (q) development is sited, designed and managed to avoid or reduce any risk of landslide to an acceptable or tolerable level.
- (r) Sensitive land uses and other forms of inappropriate development do not occur in proximity to former mining activities and related hazards (e.g., abandoned mines, tunnels and shafts), which may cause risk to people and property.

**Officers Comment**

The proposed development is not considered to comply with the outcomes sought by the Rural Zone Code. In particular, the proposed development cannot demonstrate compliance with **Outcome (F)** as:

- (i) The proposed Lot 41 is to be 28.5ha in area and will contain the smaller existing dwelling and the existing farm shed and therefore under the 30.0ha minimum required; and
- (ii) The proposed Lot 42 is 0.36ha in area which will contain the other existing dwelling house.

**Development Codes**

**Reconfiguring a Lot Code**

Purpose and overall outcomes

(1) The purpose of the reconfiguring a lot code is to facilitate the development of attractive, accessible, safe and functional neighbourhoods, centres and industrial areas, and to protect Burdekin's natural resources and environmental and landscape values.

(2) The purpose of the code will be achieved through the following overall outcomes:

- (a) reconfiguration creates safe, convenient and attractive neighbourhoods, industrial areas and centres that are consistent with the intended outcomes for the zone in which the land is located.
- (b) reconfiguration occurs in a way that makes efficient use of land and facilitates cost effective provision of infrastructure.
- (c) functional street networks are created which provide high levels of accessibility and safety, particularly for pedestrians and cyclists.
- (d) lots are of a size that support the uses intended and create the character and density intended for the zone in which the land is located.
- (e) the creation of new lots for residential purposes occurs only within urban or rural residential zoned land.
- (f) reconfiguration ensures public open space and movement networks can be provided that are interconnected with the surrounding area, convenient, safe and able to meet community needs.
- (g) reconfiguration in the rural zone occurs only in the circumstances intended in the zone code.
- (h) new lots are provided with services that meet the needs of users and minimise risks to the environmental or public health and safety.

(i) reconfiguration enables the protection of waterways, wetlands, ecological corridors for the movement of fauna and other significant environmental values.

### Officers Comment

The proposed development is not considered to comply with the relevant overall outcomes sought by the Reconfiguring a Lot Code, with a summary assessment undertaken below:

Performance Outcome	Acceptable Solution	Officers Comment																																																														
Neighbourhood design	Not applicable.																																																															
Landslip Hazard	Not applicable.																																																															
Lot Size and Layout	<div>Table 6.2.2.3(b)–Acceptable outcome – lot size and frontage</div> <table><tr><th colspan="2">Zone</th><th>Frontage (m)</th><th>Area</th></tr><tr><td colspan="2">Low density residential zone</td><td>15</td><td>500m²</td></tr><tr><td colspan="2">Low-medium density residential zone</td><td></td><td></td></tr><tr><td colspan="2">Township zone</td><td>15</td><td>800m² or 2,000m² where not connected to sewerage</td></tr><tr><td rowspan="3">Rural residential zone</td><td>Horseshoe Lagoon</td><td>60</td><td>2ha</td></tr><tr><td>Mount Kelly</td><td>40</td><td>4,000m²</td></tr><tr><td>Elsewhere</td><td>40</td><td>2,000m²</td></tr><tr><td colspan="2">Centre zone</td><td>10</td><td>400m²</td></tr><tr><td colspan="2">Industry zone</td><td>20</td><td>1,000m²</td></tr><tr><td colspan="2">Community facilities zone</td><td>20</td><td>1,000m²</td></tr><tr><td colspan="2">Recreation and open space zone</td><td></td><td></td></tr><tr><td colspan="2">Emerging community zone</td><td>200</td><td>5ha</td></tr><tr><td colspan="2">Rural zone</td><td></td><td></td></tr><tr><td colspan="2">(a) in the Groper Creek, Jarvisfield, Jerona and Wunjunga village precincts</td><td colspan="2">No new lots created</td></tr><tr><td colspan="2">(b) in the priority agricultural area or agricultural land class A and B on overlay map OM2.</td><td>200</td><td>30ha</td></tr><tr><td colspan="2">(c) elsewhere</td><td>200</td><td>100ha</td></tr></table>	Zone		Frontage (m)	Area	Low density residential zone		15	500m²	Low-medium density residential zone				Township zone		15	800m² or 2,000m² where not connected to sewerage	Rural residential zone	Horseshoe Lagoon	60	2ha	Mount Kelly	40	4,000m²	Elsewhere	40	2,000m²	Centre zone		10	400m²	Industry zone		20	1,000m²	Community facilities zone		20	1,000m²	Recreation and open space zone				Emerging community zone		200	5ha	Rural zone				(a) in the Groper Creek, Jarvisfield, Jerona and Wunjunga village precincts		No new lots created		(b) in the priority agricultural area or agricultural land class A and B on overlay map OM2.		200	30ha	(c) elsewhere		200	100ha	<p>In the Rural Zone, the acceptable frontage for any new lot created is 200.0m and the area to be 30.0ha.</p> <p>The proposed development cannot achieve this for either lot, as:</p> <ul style="list-style-type: none"><li>(i) The proposed Lot 41 is to be 28.5ha in area and will contain the smaller existing dwelling and the existing farm shed; and</li><li>(ii) The proposed Lot 42 is 0.36ha in area and will contain the other existing dwelling house.</li></ul>
Zone		Frontage (m)	Area																																																													
Low density residential zone		15	500m²																																																													
Low-medium density residential zone																																																																
Township zone		15	800m² or 2,000m² where not connected to sewerage																																																													
Rural residential zone	Horseshoe Lagoon	60	2ha																																																													
	Mount Kelly	40	4,000m²																																																													
	Elsewhere	40	2,000m²																																																													
Centre zone		10	400m²																																																													
Industry zone		20	1,000m²																																																													
Community facilities zone		20	1,000m²																																																													
Recreation and open space zone																																																																
Emerging community zone		200	5ha																																																													
Rural zone																																																																
(a) in the Groper Creek, Jarvisfield, Jerona and Wunjunga village precincts		No new lots created																																																														
(b) in the priority agricultural area or agricultural land class A and B on overlay map OM2.		200	30ha																																																													
(c) elsewhere		200	100ha																																																													
Services	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the relevant outcomes.																																																															

<b>Road Design</b>	Not applicable.
<b>Environmental Management</b>	Not applicable.
<b>Development Works Code</b>	
<p><u>Purpose and overall outcomes</u></p> <p>(1) The purpose of the code is to ensure that development provides services to a standard which is efficient, effective and reflects community expectations, enhances the lifestyle of the community, and minimises impacts on neighbours, the streetscape and the environment.</p> <p>(2) The purpose of the code will be achieved through the following overall outcomes:</p> <ul style="list-style-type: none"> <li>(a) the location and design of infrastructure or works minimise impacts on amenity and landscape character.</li> <li>(b) development minimises site disturbance and impacts on the natural environment.</li> <li>(c) adequate infrastructure is provided that is adequate to meet the demand likely to be generated by the development.</li> <li>(d) a way that ensures the safe, efficient and cost-effective provision and operation of infrastructure networks occurs by ensuring: <ul style="list-style-type: none"> <li>(i) development occurs at a scale that is commensurate with the capacity of the strategic road network and provides access in a manner that protects the safety and efficiency of the network.</li> <li>(ii) development maintains high standards of water quality and the environmental health of waterways.</li> <li>(iii) public health and safety are protected.</li> </ul> </li> <li>(e) excavation and/or filling in the rural zone does not adversely impact on the premises, adjoining premises, overland flow paths, drainage paths, waterways, wetlands, or railway and road infrastructure.</li> </ul>	



**Officers Comment**

Where relevant, the proposed development could be is considered to comply or can be suitably conditioned to comply, with the relevant outcomes sought by the Development Works Code, with a summary assessment undertaken below:

<b>Performance Outcome</b>	<b>Acceptable Solution</b>	<b>Officers Comment</b>
<b>Earthworks</b>	Not applicable.	
<b>Excavation and Filling in the Rural Zone</b>	Not applicable.	
<b>Infrastructure</b>	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the relevant outcomes. The subject site is currently serviced by Council's reticulated water supply only. No new/additional connection is currently permitted by Council in the Rural Zone.	
<b>Water Management</b>	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the relevant outcomes	
<b>Acid Sulfate Soils</b>	Where relevant, the proposed development is considered to comply with the relevant outcomes.	The site is noted as being located within the 5-20m PASS/AASS contour.  However as no excavation or change to existing ground levels are proposed as part of this development, no further assessment is required.
<b>Traffic and Access</b>	Not applicable.	
<b>Landscaping</b>	Not applicable.	
<b>Waste and pollutant management</b>	Not applicable.	
<b>Fire Hydrants in urban areas for building access by common private title</b>	Not applicable.	

## Attachment C – Detailed Assessment

### 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.

<b>STATE PLANNING POLICY (JULY 2017)</b>				
<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>
<b>Housing supply and diversity</b>	<b>Agriculture</b>	Biodiversity	Emissions and hazardous activities	Energy and water supply
<b>Liveable Communities</b>	Development and construction	Coastal environment	Natural hazards, risk and resilience	Infrastructure Integration
	Mining and extractive resources	Cultural heritage		Transport Infrastructure
	Tourism	Water quality		Strategic airports and aviation facilities
				Strategic ports

The Burdekin Shire IPA Planning Scheme does not currently integrate the relevant State Planning Policies (SPP) (*NB. the 2022 planning scheme integrates the relevant SPP's*).

## Attachment C – Detailed Assessment

However it is considered that the following are relevant to the development:

- Liveable Communities and Housing (Housing supply and diversity; Liveable Communities).
- Economic Growth (Agriculture).

The site is mapped as being a matter of state interest as an Important Agricultural Area (IAAs). IAAs means an important agricultural area as identified in the Queensland Agricultural Land Audit and shown in the SPP interactive mapping system as an IAA.

An IAA is defined in the Queensland Agricultural Land Audit *as an area that has all the requirements for agriculture to be successful and sustainable, is part of a critical mass of land with similar characteristics and is strategically significant to the region or the state.*

The purpose of this state planning policy is to ensure subject land identified as an IAA is not developed for non-agricultural purposes unless there is an overriding public need for the non-agricultural development to be located on this site.

Agricultural resources, especially those undertaken on good quality agricultural land are of significant importance in the Burdekin Shire and should be maintained at the minimum size determined by the State as being viable and protected from incompatible uses, as GQAL land is not easily restored once removed from the productive agricultural activity.

Council officers acknowledge that some good quality agricultural land has already been removed from potential production due to the existing dwellings located on the subject site, however the larger balance parcel while proposed to be maintained for continued agricultural activity, remains under the 30.0ha minimum lot size.

The proposed development is not considered to support the regions agricultural sector in remaining successful and viable, due to the lot sizes proposed.

### North Queensland Regional Plan

*The North Queensland Regional Plan (NQRP) establishes the strategic planning framework intended to guide the region's 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 proposed development is located on a Priority Agriculture Area and therefore the Development Assessment Benchmarks for PAAs are applicable.

*PAAs are strategic clusters of the most regionally significant agricultural production areas that contain various priority agricultural land uses (PALU). These uses include broadacre cropping, horticulture, intensive animal husbandry, plantation forestry and terrestrial aquaculture as shown on Map 1. Any non-agricultural use or resource activity seeking to operate in these areas will not be supported unless they can co-exist with the PALUs for mutual benefit and without compromising the PALUs current or future ability to operate.*

*PAAs and PALUs are defined terms under the RPI Act. They identify geographic areas with specific values for the purposes of both the RPI Act and the Planning Act to achieve a consistent planning outcome.*

Development assessment benchmarks for PAAs together with the assessment of the proposal against these is provided for in the below table.

<b>Regional outcome: 1.1 Maintain and expand a prosperous and sustainable agricultural sector in the region.</b>		
<b>Assessment Benchmarks</b>	<b>Applicants Assessment</b>	<b>Officers Assessment</b>
<ul style="list-style-type: none"> <li>Development does not result in, or contribute to, a net loss to overall agricultural productivity within the PAA.</li> <li>Development does not result in widespread or irreversible impacts to the future use of a</li> </ul>	<p>The applicant states they are seeking to undertake the proposed subdivision to:</p> <ul style="list-style-type: none"> <li>Formally separate the extent of the land used for agricultural purposes from the land associated with one of the existing residential dwellings (being the residential at the street address of 43 Robins Road);</li> </ul>	<p>The subject land is located within a Priority Agricultural Area (PAA) as defined by the Regional Plan. The Regional Plan regulates development within PAAs to maintain and expand a prosperous and sustainable agricultural sector in the region.</p>

Regional outcome: 1.1 Maintain and expand a prosperous and sustainable agricultural sector in the region.		
PAA for agricultural activities.	<ul style="list-style-type: none"> <li>Facilitate an outcome that results in one residential dwelling on each allotment, with the existing residential dwelling and shed associated with the agricultural use (at street address 39 Robins Road) to be located on the proposed agricultural allotment; and</li> <li>Retain the full extent of existing agricultural land on a single allotment, with an existing extent of approximately 28ha.</li> </ul> <p>Further the applicant provided the following detailed assessment in their application, to support their application despite non-compliance with the assessment benchmarks:</p>	<p>The proposed development has been assessed against the Regional Plan benchmark for development in PAAs and has been determined to be inconsistent with the relevant provisions.</p> <p>In particular the proposed subdivision results in allotment sizes that may result in, or contribute to:</p> <ul style="list-style-type: none"> <li>a loss to overall agricultural productivity within the PAA, given the farmed land remaining does not achieve the 30-ha minimum lot site; and</li> <li>widespread or irreversible impacts to the future use of a PAA for agricultural activities.</li> </ul> <p>Council officers note that the shortfall in the minimum area requirement is approximately 5% and appears to be operating a viable cane farm upon it currently and the applicants comments as provided for in their application that the development will not result in the loss of any agricultural land.</p>

**Regional outcome: 1.1 Maintain and expand a prosperous and sustainable agricultural sector in the region.**

**5.6 Planning Scheme Detailed Assessment**

**Reconfiguring a Lot Code**

O6	The lot layout provides for: a) a wide range of needs for land; and b) lots of a size and dimension suitable for their intended use.	S6	Minimum frontage and lot size occurs in accordance with Table 19.1, unless prescribed otherwise in a Zone or Use Code.
----	--	----	---

**Complies with O6**

The proposed development does not comply with S6 of the Reconfiguring a Lot Code given proposed Lot 41 and proposed Lot 42 do not comply with the accepted minimum lot size for intensive agricultural purposes of 30 ha.

Compliance with O6 of the Reconfiguring a Lot Code is however achieved, given the proposed development:

- provides allotments of a size and dimension suitable for the intended use as demonstrated by the established nature of the uses;
- formalises the existing separation between an established residential premises a now unrelated agricultural operation;
- results in no loss of agricultural land, with the existing agricultural land having a total area of approximately 28.6 ha (insignificantly less than the 30 ha area assumed suitable for viable agricultural operations); and
- does not facilitate the loss of agricultural land in the future through the use right to build a residential dwelling on all rural allotments, with the existing allotment containing two residential dwellings, one of which will be retained on the proposed agricultural lot.

However the scheme is the assessment tool that incorporates the State's requirements for the protection of GQAL and sets the minimum area for agricultural land lots at 30.0ha.

Officers do not have the discretion to determine at which percentage or lot size under the 30.0ha, is considered to achieve a viable agricultural lot.

## Regional outcome: 1.1 Maintain and expand a prosperous and sustainable agricultural sector in the region.

O11	Good quality agricultural land is retained for agriculture or intensive agriculture by avoiding reconfiguring good quality agricultural land for other purposes, unless it can be demonstrated that: <ul style="list-style-type: none"> <li>a) the land is not actually good quality agricultural land;</li> <li>b) the proposal does not create any additional new lots;</li> <li>c) the balance area has acceptable utility for rural, rural industry or other rural purposes;</li> <li>d) the intended use of the balance area will not lead to degradation of the land or water resources;</li> <li>e) the balance area has a reliable water supply, the ability to meet acceptable effluent disposal standards, practicable constructed road access and acceptable drainage provisions;</li> <li>f) the excision of land containing a valuable feature of natural or cultural heritage significance.</li> </ul>	S11	None specified.
-----	--	-----	-----------------

**Complies with O11**

The proposed development complies with PO11 of the Reconfiguring a Lot Code given the subdivision of the land:

- will result in no loss of agricultural land, with the full extent of the existing cropping footprint to be retained;
- results in the formalisation of the existing separation between the established residential premises a now unrelated agricultural operation, with the residential component of the land containing associated infrastructure rendering it unsuitable for agricultural purposes at any time in the future; and
- provides sufficient area and dimensions on each of the proposed allotments to sustainably support the respective agricultural and residential uses, as demonstrated by the established nature of the separate land uses.



**Regional outcome: 1.1 Maintain and expand a prosperous and sustainable agricultural sector in the region.**
**6.0 CONCLUSION**
**6.1 Assessment Summary**

The assessment of the proposed development against the relevant assessment benchmarks detailed in this development application supports a recommendation for approval based on the following reasons:

- the proposed development complies with the assessment benchmarks prescribed by the North Queensland Regional Plan in relation to protecting Priority Agricultural Areas;
- the proposed development complies with the relevant planning scheme assessment benchmarks; and
- compliance with the relevant assessment benchmarks can be managed through reasonable and relevant conditions.

Particular matters supporting the approval of the proposed development include the following:

- the proposed subdivision will not result in the loss of any agricultural land, with the allotment boundaries proposed reflective of the existing extent of the residential and agricultural land uses;
- the proposed subdivision will not result in a net loss to overall agricultural productivity within the State regulated Priority Agricultural Area;
- the proposed subdivision seeks to formalise an existing sustainable land use arrangement and will provide each of the existing residential dwellings on the land its own allotment;
- the proposed subdivision will not result in any additional demand on Council's infrastructure networks; and
- the proposed development aligns with Council's strategic position designed to facilitate the subdivision of established residential dwellings from agricultural land where it will not result in the loss of productive agricultural land.

**Public Submissions**

Public notification was not required for the development as it is code assessable under the *Burdekin Shire IPA Planning Scheme 2011*.

## Attachment C – Detailed Assessment

### Infrastructure Considerations

The subject site is currently connected to Council's reticulated water supply network only. If approved, and as the property has only one water meter currently, proposed Lot 41 will not be able to connect to the reticulated water supply with a new connection. It will need to supply potable water via an alternative method.

### Infrastructure Charges

If approved, infrastructure charges would be applicable to the proposed development, as reconfiguring a lot is a development type which triggers infrastructure charges. Infrastructure charges for Transport Network only are applicable to the proposed development. Detail of the calculated infrastructure charge is reflected hereunder:

#### Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
Reconfiguring a Lot	-	-	\$2,500.00	-	-	\$2,500.00
<b>Total</b>	-	-	<b>\$2,500.00</b>	-	-	<b>\$2,500.00</b>

### Referral Agencies

The Development Application did not require referral to the North Queensland State Assessment and Referral Agency (NQSARA) under the *Planning Regulation 2017*.

### 7.3.2. PLANNING AND DEVELOPMENT

**Development Application for Reconfiguring a Lot - Subdivision One (1) into Two (2) Lots and Access Easement at 31 and 87 Klondyke Road, Ayr (Lot 100 on SP272027 and Lot 103 on SP217493)**

**File Reference:** 234 (RAL23/0001)

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

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

**Meeting Date:** 26 April 2023

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

Burdekin Shire Council Corporate Plan 2022-2027

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

Burdekin Shire Council Operational Plan 2022-2023

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.

---

#### **Executive Summary**

Council is in receipt of a development application lodged by Milford Planning on behalf of applicants, Fiona and Heath Salter for a reconfiguration of a lot (subdividing one (1) lot into two (2) lots) and creation of an access easement on land described as Lot 100 on SP272027 and Lot 103 on SP217493 and located at 31 and 87 Klondyke Road, Ayr.

Lot 100 is currently 43.69ha in area. Proposed Lot 1 is proposed to be 41.8ha, with proposed Lot 2 to be 1.8ha in area.

The application has been made under the 2011 Scheme and must be assessed against it. However as significant weight has been given to the relevant aspects of the new 2022 Scheme (which is now in effect) in the assessment of the proposed development, the officers recommendation comes to Council for determination.

#### **Recommendation**

That Council approve the proposed reconfiguring of a lot (one (1) lot into two (2) lots) and access easement application on land described as Lot 100 on SP272027 and Lot 103 on SP217493 and located at 31 and 87 Klondyke Road, Ayr, subject to reasonable and relevant conditions as set out in Attachment A.

#### **Background**

The development application lodged by Milford Planning on behalf of applicants, Fiona and Heath Salter seeks to reconfigure a lot, by subdividing one (1) lot into two (2) lots and creating an access easement (refer proposal plan included as Attachment B) on land described as Lot 100 on SP272027 and Lot 103 on SP217493 and located at 31 and 87 Klondyke Road, Ayr (refer locality plan included at Attachment C).

Based on the assessment of the development application, it is considered that the proposed reconfiguration application can be supported for the following reasons and is recommended for approval, subject to reasonable and relevant conditions, as:

- The proposed development is considered to meet or has the ability to meet the relevant aspects of both the (now superseded but current when the application was made) *Burdekin Shire IPA Planning Scheme 2011* (despite not complying with some assessment benchmarks) and the new Burdekin Planning Scheme 2022 (now in effect but in draft form at the time the application was made).
- Significant weight can be given to the relevant aspects of the new 2022 Planning Scheme in the assessment of the proposed development, in particular the Strategic Framework.
- Recommended conditions of approval have been included to ensure the development achieves acceptable levels of compliance with the requirements of both Schemes.

The subject land is located within the Rural Zone of the 2011 *Burdekin Shire Council IPA Planning Scheme* (the planning scheme current at the time the development application was lodged), with Lot 100 (31 Klondyke Road) currently having a total area of 43.69ha. The subject site contains the existing sugar cane farm and the residential dwelling which was relocated to the site in 2022.

Lot 103 (87 Klondyke Road) is currently burdened with an existing access easement which the applicant proposes to use to provide vehicle access to its properties.

The applicant is proposing to create one lot (proposed Lot 1) approximately 41.8ha in area for the sugar cane farming activity with the second lot (proposed Lot 2) to be 1.68ha in area in which the existing residential dwelling will be retained.

The proposal plan prepared by Milford Planning is provided at Attachment B.

#### Purpose

The applicant provides that the purpose of the proposed development is to subdivide existing Lot 100 into two (2) allotments to formalise the existing separation already on site between the rural land that is currently farmed from the area used for residential purposes.

#### Planning Assessment

The development application is subject to code level of assessment in the current Planning Scheme and therefore did not require public notification.

#### Referral

Referral to the Department of State Development, Manufacturing, Infrastructure and Planning (NQSARA as a Concurrence Agency) was not required.

#### Burdekin Shire IPA Planning Scheme 2011

Officers have completed the mandatory assessment of the development application against the provisions of the 2011 planning scheme which is the scheme in effect when the development application was properly made (refer Attachment D for detailed assessment).

Under the 2011 Scheme, the development application as applied for does not comply with the outcomes sought by the scheme, that all new lots created achieve a minimum area of 30.0ha. Historically any such application would generally be recommended for refusal by officers.

#### Burdekin Shire Planning Scheme 2022

Council's new 2022 Planning Scheme which was awaiting adoption at the time of lodgement of the development application, has now been adopted, commencing on the 1 March 2023.

Under the new 2022 scheme, the proposed development can be considered to demonstrate compliance with Outcome 2.4 Economic Growth of its Strategic Framework, in particular Strategic Outcome 2.4.1 Diverse Rural Futures (3) which states:

*....All land in the rural zone is protected from fragmentation as a result of the creation of small lot sizes below the minimum size nominated in the zone code. Reconfiguration creating lots below these minimum sizes does not occur, other than where:*

*(a) consolidating the balance of the farmed lot which is a minimum of 30ha, and the single lot created contains a dwelling house that existed at the commencement of this planning scheme; or  
(b) a result of rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land or the protection of its environmental values, without increasing the number of lots.....*

#### Background

The applicants first met with Council officers in mid-2021, regarding their proposed subdivision to relocate a dwelling house to Lot 100, then formally separate the residential lot (which will contain the relocated house) from the farmed lot and whether the new scheme had provisions that would assist them in seeking this outcome.

However due to the delays with the commencement of the 2022 Scheme and their need to move forward with their plans, the applicant chose to lodge the development application under the 2011 Scheme.

#### The Coty Principle and Relevant Matters

Council's new planning scheme was expected to be in place by September 2022. However it was not approved for adoption by the State until late December 2022. Council adopted the scheme in February 2023, and the 2022 scheme become effective from 1 March 2023.

Therefore, while this development application has been lodged prior to the commencement of the new scheme, it is considered that significant weight can be given to the provisions of the new scheme because of how far progressed the adoption of the new scheme was, at the time of lodgement of the development application, on account of the *Coty Principle*.

This principle comes out of the case of *Coty (England) Pty Ltd -vs- Sydney City Council (1957)* which provides that weight may be given to a new planning document (which arises after the lodgement date), depending on how far it is along the legislative path to adoption.

Essentially the principle provides that the new document be given more weight the further it is along the legislative path. Generally the cases indicate that if the new document (i.e. scheme) is towards the end of the public notification period, it should receive considerable weight.

Given this, Council officers have also completed an informal assessment against the 2022 scheme provisions for information only (refer Attachment D).

As a result of this assessment, Council officers are generally supportive of the proposed development, as it is considered:

- To meet or has the ability to meet the relevant aspects of both the *Burdekin Shire IPA Planning Scheme 2011* (despite not complying with some assessment benchmarks) and the new *Burdekin Shire Council Planning Scheme 2022*, where the site remains in the Rural zone.
- Significant weight can be given to the relevant aspects of the new 2022 Planning Scheme in the assessment of the proposed development, in particular alignment with the relevant outcomes sought by the scheme's Strategic Framework.
- To generally accord with the outcomes sought by the new scheme, which is reflective of Council's intention for development in the Shire for the next ten or so years; and
- Conditions of approval have been included to ensure the development achieves compliance with the outcomes sought by both Schemes.

Under the 2011 Scheme where a code level of assessment is applicable to the development application, officers are constrained in their assessment ability to give weight to other relevant matters. This would be applicable/available, if the development was subject to an impact level of assessment. Such an application will trigger an impact level assessment in 2022 Scheme, with assessment include other relevant matters.

Cognisant of the above, the development application (with officers recommendation being approval subject to conditions) is provided to Council for its determination, given Council is afforded the discretion above that of officers.

Councillors can decide to assess this development on its merits and can reasonably give significant weight to the provisions of the 2022 Scheme as part of their deliberations (in accordance with the application of the common law *Coty Principles*).

#### Subject Site and Surrounding Land Uses

A locality plan is provided at Attachment C. The subject site is located within the Rural Zone and has formal frontage to Klondyke Road where access is currently gained from. There is also frontage to Burke Street, however access from it to the farming activities only is provided. There is no legal or practical access provided to the existing dwelling. The existing dwelling is a relocated home which was moved to the site in 2022, following building approval granted in late 2021.

The subject site is not serviced by Council's reticulated water and sewerage infrastructure.

The site is traversed by several easements for a number of purposes (site access, Pioneer Mill Railway corridor, stormwater drainage and utilities).

The surrounding area is a mix of uses – farming, public purpose, disused racetrack, rural residential style lots to the north directly adjoining the subject land and residential development to the east. Plantation Creek adjoins the site along its southern boundary.

#### Information Request

Council requested further information with respect to the location of the access to the existing dwelling post subdivision together with the potable water supply to proposed Lot 2 (given that no new water connections are currently permitted in the Rural Zone).

#### Public Notification

Not applicable.

### Referral Agency Response

Not applicable as the Development Application did not require referral to the North Queensland State Assessment and Referral Agency (NQSARA) under the *Planning Regulation 2017*.

### Assessment Summary

Refer to Attachment D for the detailed assessment formally against the provisions of the current planning scheme and informally against the provisions of the new scheme.

### **Consultation**

All relevant Council Departments have been consulted with.

The proposal was discussed with the Mayor, Councillors and Executive Leadership at the Council Workshop Meeting held on the 4 October 2022.

### **Budget & Resource Implications**

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

### **Legal Authority & Implications**

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)**

Risk to Council relating to its obligation under the *Planning Act 2016*, is primarily ensuring that the development application is properly managed, assessed and decided. Risk has been managed by undertaking a thorough assessment of this application, preparation of this report and identifying relevant and reasonable conditions of approval.

### **Attachments**

1. Att A - Recommended Conditions of Approval
2. Attachment B - Proposal Plan
3. Attachment C - Locality Plan
4. Attachment D - Detailed Assessment



## Attachment A – Recommended Conditions of Approval

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

## Attachment A – Recommended Conditions of Approval

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

## Attachment A – Recommended Conditions of Approval

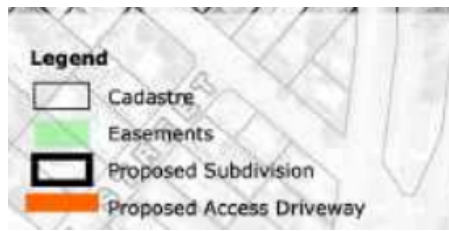
Condition		Reason	Timing
2. <b>Approved Plans and Supporting Documents</b>			
<b>Drawing Title</b>		<b>Drawing/Revision</b>	<b>Date</b>
Proposed Lot Configuration and Access Arrangement		M2027-SK-02, Issue A, Sheet 1	15.03.23
<b>Associated Reports</b>			
Development application prepared by Milford Planning, February 2023 including the Further Information Responses, March 2023.			
2.1	The proposed development must be completed, comply with and maintained generally in accordance with the drawings/ documents identified in the above, except as otherwise specified and/or amended by any condition of this approval.	The development must comply with all planning scheme requirements as approved and conditioned by this development permit.	At all times.
2.2	The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.		
2.3	Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
<b>3.    Payment of Rates, Charges and Expenses</b>			
3.1	Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.	Confirmation to be provided to Council prior to the release of the Plan of Survey.	

Condition	Reason	Timing
3.2 Pay the sum calculated at the current charge per lot to be levied on the Council by the Department of Natural Resources, Mines and Energy, for each new valuation.		
<b>4. Confirmation of Existing Services</b> The existing services for each lot must be contained within the individual allotments.	To ensure the development is appropriately serviced in accordance with relevant code/s and policy direction.	Confirmation to be provided to Council prior to the release of the Plan of Survey.
<b>5. Relocation/alteration of Public Utilities</b> The developer must at its own cost undertake all necessary alterations to public utility mains and services as rendered necessary by the carrying out of any required external works or other works associated with the approved development to the satisfaction of Council, and at no cost to Council.	To ensure development is appropriately serviced by public services and/or facilities in accordance with relevant code/s and policy direction.	Prior to the release of the Plan of Survey.
<b>6. Roadworks</b> The construction of any crossovers to give access to the land is to be the owner's responsibility and at no cost to Council, to the satisfaction of the Chief Executive Officer.	To provide appropriate access in accordance with relevant code/s and policy direction.	Prior to the issuing of a Development Permit for Building Works.
<b>7. Access Easement</b> 7.1 The applicant must provide and register a minimum 6.0m wide easement for access and utilities from Klondyke Road to proposed Lot 2.		

Condition	Reason	Timing
7.2 This easement must not cross any existing drainage easements (Easement H on SP272027 and Easement F on SP217493).		
<b>8. Drainage/Stormwater</b> The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.	To convey stormwater across other lands legally and in an environmentally responsible manner in accordance with relevant code/s and policy direction.	At all times.
<b>Advice</b>		
<b>1. Infrastructure Charges</b> An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.		
<b>2. Compliance with Conditions</b> Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.		
<b>3. Reticulated Water and Sewer Infrastructure</b> Proposed lots 1 and 2 are unable to be connected to Council's reticulated water supply and sewerage infrastructure.		
<b>4. Future Development and Flood Management</b> 4.1 Any future on-site sewerage treatment and disposal on the proposed lots must be in accordance with the On-Site Sewerage Code and AS/NZS 1547:2000. 4.2 Any development application for building works which includes habitable rooms may have to include a 1% AEP Flood Certificate. N.B. this applies in Localised and River Flood areas as identified in Burdekin Shire Councils mapping.		
<b>5. Acid Sulfate Soils</b>		

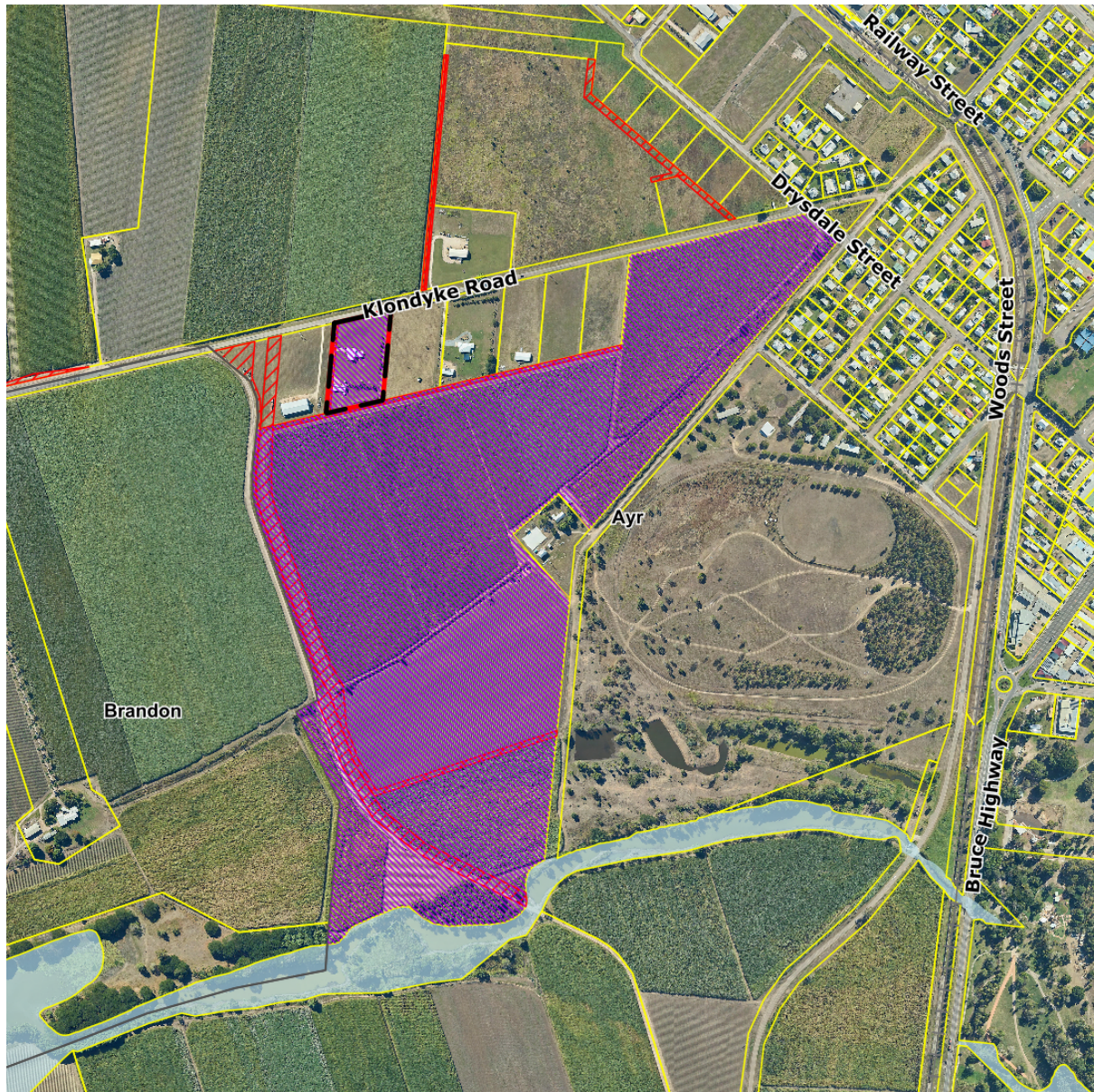
Condition	Reason	Timing
Should the presence of acid sulfate soils or potential acid sulfate soils be detected, an Acid Sulfate Soils Management Plan may be required to be prepared and submitted to Council for approval.		
<b>6. Limitation of Approval</b> 6.1 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant.  6.2 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnity and save the council harmless in respect of any claim so arising.		
<b>7. Miscellaneous</b> 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: <a href="http://www.datsip.qld.gov.au">www.datsip.qld.gov.au</a>		
<b>8. Earthworks</b> Earthworks are not approved as part of this Development Permit. If any earthworks are required and deemed assessable development, an operational works development application is to be lodged with Council for assessment in accordance with relevant code/s and policy direction.		

## **Attachment B – Proposal Plan**





**Attachment C – Locality Plan**



ASSESSMENT TIMEFRAMES			
Application Process		Timeframe	Date
1.0	Initial application lodged with Council (properly made)	-	10 February 2023
1.1	Action Notice issued	5 days (from 1.0)	Not Applicable
1.2	Confirmation Notice issued	10 days (from 1.0)	24 February 2023
2.0	Application referred (properly referred)	10 days (from 1.2)	Not Applicable
2.1	Referral agency response	25 days (from 2.0)	Not Applicable
3.0	Council Information Request	10 days (from 1.2)	9 March 2023
3.1	Response to Information Request	3 months (from 3.0)	17 March 2023
4.0	Public Notification starts	20 days (from 3.1)	Not Applicable
4.1	Public Notification ends	Min. 15 business days	Not Applicable
4.2	Consider submissions	10 days (from 4.1)	Not Applicable
35.1	Further Advice Request	-	28 March 2023
35.1	Response to Further Advice Request	-	29 March 2023
5.0	Decision making period starts	1 day (after last applicable)	20 March 2023
5.1	Request to extend the decision-making period	-	Not Applicable
	Council Meeting		26 April 2023
5.2	Decision making period ends	35 days (minus up to 10 days from 3.0)	26 April 2023
5.3	Issue Decision Notice	5 days (after decision is made)	4 May 2023

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 above means a business day as defined by the *Planning Act 2016*. *Note: Public holidays and close down periods are excluded from business days.*

If no decision has been made within the relevant decision-making period, the application can be deemed approved by the applicant with standard conditions imposed.

### Reconfiguration of a Lot (RAL23/0001)

The development proposal was lodged under and is assessable under the *Burdekin Shire IPA Planning Scheme 2011* 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*.



## Attachment D – Detailed Assessment

### Level of Assessment

In accordance with the 2011 planning scheme, a reconfiguring a lot application is code assessable and does not require public notification.

Note, under the 2022 planning scheme, any application for a reconfiguration of a lot that proposes the creation of lots that do not meet the minimum lot size, will trigger an impact level of assessment.

### Referral

The application was reviewed against the *Planning Act 2016* to assess whether the application triggered referral agency assessment. The application did not trigger referral to the North Queensland State Assessment and Referral Agency (NQSARA) under the *Planning Regulation 2017*.

### 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*.

An assessment against the relevant provisions of both the *Burdekin Shire IPA Planning Scheme 2011* (current at the time of lodgement) and the new 2022 *Planning Scheme* (which came into effect 1 March 2023) has been undertaken below:

<b><i>Burdekin Shire IPA Planning Scheme 2011</i></b>			
<b>APPLICABLE ASSESSMENT BENCHMARKS</b>			
<b>Development</b>	<b>Zone</b>	<b>Overlays</b>	<b>Assessment Benchmarks</b>
Reconfiguring a Lot – One (1) Lot into Two (2) Lots and Access Easement	Rural Zone	Nil	<ul style="list-style-type: none"> <li>▪ Rural Zone Code</li> <li>▪ Reconfiguring a Lot Code</li> </ul>
<b>ASSESSMENT</b>			
<b>Rural Zone Code</b>			
The overall outcomes sought for the Rural Zone code are the following:			

- (a) Rural land will be used sustainably to ensure the viability of agriculture by maintaining the primary industry base, supported by diversification into smaller scale rural industries such as horticulture and aquaculture.
- (b) The establishment of new sustainable rural industries or activities in order to broaden the economic base of the Shire will be facilitated.
- (c) Rural industries including agri-business and industries that service the rural sector are established in appropriate locations and adopt management measures to minimise environmental impacts.
- (d) Incompatible land uses do not intrude on the expansion and continuation of primary industries.
- (e) Where potentially incompatible land uses interface with land used for intensive agriculture, an appropriate buffer or separation distance will be provided in accordance with the Guidelines for Separating Agricultural and Residential Land uses.
- (f) Uses and works are located, designed and managed to:
- be compatible with other uses and works.
  - maintain the safety of people and works.
  - conserve and protect good quality agricultural land in accordance with State Planning Policy 1/92; and
  - avoid significant adverse effects on surface water (drainage areas) and ground water resources (recharge areas), riparian vegetation, stream bank stability, remnant native vegetation, rural views and quiet rural amenity.

#### **Officers Comment**

Where relevant, the proposed development is considered to comply with the outcomes sought by the Rural Zone Code. The applicant states the purpose of the subdivision is to formalise the existing separation between an existing residential use and an existing agricultural activity (cane farm), to allow for the entire farming operation to be contained within one allotment (proposed Lot 1) and the existing dwelling on the smaller new lot (proposed Lot 2).

While the proposed Lot 1 (if approved) permits the building of a new dwelling on it, provided the development footprint for the new dwelling (and the required infrastructure and access) is of an appropriate size so as not to constrain the viability of the agricultural use of the land, a new dwelling would not be considered to reduce the existing agricultural viability of the farming activity, given the lot will remain over 40.0ha in area post subdivision.

Any future application for further subdivision of either lot if created, is not supported by the planning scheme.

#### **Reconfiguring a Lot Code**

The overall outcomes sought for the Reconfiguring a Lot code are the following:

- (a) if rearranging the boundaries of a lot, the utility and access to all lots affected is improved or maintained to an adequate extent.
- (b) to provide safe, convenient and attractive urban neighbourhoods, settlements and functional industrial and commercial areas that meet the diverse and changing needs of the community.
- (c) in the rural areas provide for the efficient use of land and infrastructure as well as safe neighbourhoods.
- (d) as reconfiguring occurs, productive rural land and land holdings are restructured and amalgamated wherever possible.
- (e) existing farm units and small holdings are not further reconfigured for non-agricultural purposes on good quality agricultural land.
- (f) functional street networks are created providing acceptable levels of access, safety, through traffic, service provision and convenience.
- (g) a range of lot sizes with a variety of areas and dimensions are provided.
- (h) the useability of and access to all existing and created lots affected is improved or maintained to an adequate extent.
- (i) public open space is provided to meet community needs and for landscaping.
- (j) development is adequately serviced commensurate with locations; and
- (k) adequate stormwater drainage systems are provided.

**Officers Comment**

The proposed subdivision development is considered to comply overall with the relevant outcomes sought by the Reconfiguring a Lot Code. This is not withstanding the non-compliance of proposed Lot 2 with the minimum frontage and lot sizes specified for a rural lot, as the proposed subdivision proposes a logical outcome where:

- (i) productive rural land and land holdings are restructured to provide a suitable outcome that assists with ensuring the viability of agriculture on the subject site (Lot 1 will be greater in area than the 30.0ha minimum requirement, remaining viable for agricultural activities); while
- (ii) the existing separation on site between the existing residential use and the existing agricultural activities is formalised. This formally recognises that the entire farming operation will be contained within one allotment (proposed Lot 1) and the existing dwelling on the smaller new lot (proposed Lot 2).

While the proposed Lot 1 (if approved) permits the building of a new dwelling on it, provided the development footprint for the new dwelling (and the required infrastructure and access) is of an appropriate size so as not to constrain the viability of the agricultural use of the land, a new dwelling would not be considered to reduce the existing agricultural viability of the farming activity, given the lot will remain over 40.0ha in area post subdivision.

Note future applications for further subdivision of proposed Lot 1 are not supported by the planning scheme, nor is such a development likely to be supported by Council officers.

Specific assessment against the relevant provisions of the Reconfiguring a Lot Code is provided below:

<b>Assessable Development</b>		
<b>Specific Outcomes</b>	<b>Acceptable Solutions</b>	<b>Comment</b>
<b><i>Lot Layout</i></b>		
<p>The lot layout provides for:</p> <p>a) a wide range of needs for land; and</p> <p>b) lots of a size and dimension suitable for their intended use.</p>	<p>Minimum frontage and lot size occurs in accordance with Table 19.1, unless prescribed otherwise in a Zone or Use Code.</p>	<p>The proposed development is considered to comply overall with the relevant outcomes sought by the Reconfiguring a Lot Code, notwithstanding the non-compliance of proposed Lot 2 with the minimum frontage and lot sizes specified for a rural lot.</p> <p>Officers consider that the proposed subdivision proposes a logical outcome where:</p> <ul style="list-style-type: none"> <li>(i) productive rural land and land holdings are restructured to provide a suitable outcome that assists with ensuring the viability of agriculture on the subject site. Proposed Lot 1 will be greater in area than the 30.0ha minimum requirement, remaining viable for agricultural activities; while</li> <li>(ii) the existing separation onsite between the existing residential use and the existing</li> </ul>

Assessable Development																																																																																				
Specific Outcomes	Acceptable Solutions	Comment																																																																																		
	<div>TABLE 19.1 MINIMUM LOT SIZE AND FRONTAGE</div> <table><tr><th>ZONE</th><th>DEVELOPMENT</th><th>FRONTAGE(m)</th><th>AREA (m<sup>2</sup>)</th></tr><tr><td rowspan="11">Residential and Village Zones</td><td><b>Residential Purposes</b></td><td></td><td></td></tr><tr><td>Accommodation Building</td><td>20</td><td>1000</td></tr><tr><td>Caravan Park</td><td>40</td><td>1ha</td></tr><tr><td>Duplex Units</td><td>15</td><td>500</td></tr><tr><td>Dwelling House (not able to be connected to sewerage)</td><td>15</td><td>800</td></tr><tr><td>Dwelling House (able to be connected to sewerage)</td><td>15</td><td>500</td></tr><tr><td>Motel</td><td>20</td><td>1000</td></tr><tr><td><b>Multiple Unit Development</b></td><td></td><td></td></tr><tr><td>3-4 Units</td><td>20</td><td>800</td></tr><tr><td>5-8 Units</td><td>20</td><td>1000</td></tr><tr><td>8+ Units</td><td>20</td><td>No. of units x 250m<sup>2</sup></td></tr><tr><td>Retail and Commercial Zone</td><td><b>Commercial Purposes</b></td><td></td><td></td></tr><tr><td></td><td>All commercial/retail</td><td>10</td><td>400</td></tr><tr><td rowspan="4">Industry Zone</td><td><b>Industry Purposes</b></td><td></td><td></td></tr><tr><td>Light Industry</td><td>20</td><td>1000</td></tr><tr><td>Noxious or offensive industry</td><td>20</td><td>4000</td></tr><tr><td>All other purposes</td><td>20</td><td>1000</td></tr><tr><td rowspan="5">Rural Zone</td><td><b>Rural Purposes</b></td><td></td><td></td></tr><tr><td>Intensive Agriculture</td><td>200</td><td>30ha</td></tr><tr><td>All other uses</td><td>500</td><td>100ha</td></tr><tr><td>Rural Industry</td><td>50</td><td>1ha</td></tr><tr><td>Rural Settlement Allotment</td><td>40</td><td>4000</td></tr><tr><td rowspan="2">Public Purposes Zone</td><td><b>Public Purposes</b></td><td></td><td></td></tr><tr><td>All public purposes</td><td>20</td><td>1000</td></tr></table>	ZONE	DEVELOPMENT	FRONTAGE(m)	AREA (m <sup>2</sup> )	Residential and Village Zones	<b>Residential Purposes</b>			Accommodation Building	20	1000	Caravan Park	40	1ha	Duplex Units	15	500	Dwelling House (not able to be connected to sewerage)	15	800	Dwelling House (able to be connected to sewerage)	15	500	Motel	20	1000	<b>Multiple Unit Development</b>			3-4 Units	20	800	5-8 Units	20	1000	8+ Units	20	No. of units x 250m <sup>2</sup>	Retail and Commercial Zone	<b>Commercial Purposes</b>				All commercial/retail	10	400	Industry Zone	<b>Industry Purposes</b>			Light Industry	20	1000	Noxious or offensive industry	20	4000	All other purposes	20	1000	Rural Zone	<b>Rural Purposes</b>			Intensive Agriculture	200	30ha	All other uses	500	100ha	Rural Industry	50	1ha	Rural Settlement Allotment	40	4000	Public Purposes Zone	<b>Public Purposes</b>			All public purposes	20	1000	<p>agricultural activities is formalised. This formally recognises that the entire farming operation will be contained within one allotment (proposed Lot 1) and the existing dwelling on the smaller new lot (proposed Lot 2).</p> <p>It is acknowledged that proposed Lot 1 (if approved) permits the building of a new dwelling on it, as of right.</p> <p>Provided the development footprint for the new dwelling (and the required infrastructure and access is of an appropriate size so as not to constrain the viability of the agricultural use of the land, a new dwelling would not be considered to reduce the existing agricultural viability of the farming activity, given the lot will remain over 40.0ha in area, post subdivision.</p> <p>Note future applications for further subdivision of proposed Lot 1 are not supported by the planning scheme, nor is it likely to supported by Council officers.</p>
ZONE	DEVELOPMENT	FRONTAGE(m)	AREA (m <sup>2</sup> )																																																																																	
Residential and Village Zones	<b>Residential Purposes</b>																																																																																			
	Accommodation Building	20	1000																																																																																	
	Caravan Park	40	1ha																																																																																	
	Duplex Units	15	500																																																																																	
	Dwelling House (not able to be connected to sewerage)	15	800																																																																																	
	Dwelling House (able to be connected to sewerage)	15	500																																																																																	
	Motel	20	1000																																																																																	
	<b>Multiple Unit Development</b>																																																																																			
	3-4 Units	20	800																																																																																	
	5-8 Units	20	1000																																																																																	
	8+ Units	20	No. of units x 250m <sup>2</sup>																																																																																	
Retail and Commercial Zone	<b>Commercial Purposes</b>																																																																																			
	All commercial/retail	10	400																																																																																	
Industry Zone	<b>Industry Purposes</b>																																																																																			
	Light Industry	20	1000																																																																																	
	Noxious or offensive industry	20	4000																																																																																	
	All other purposes	20	1000																																																																																	
Rural Zone	<b>Rural Purposes</b>																																																																																			
	Intensive Agriculture	200	30ha																																																																																	
	All other uses	500	100ha																																																																																	
	Rural Industry	50	1ha																																																																																	
	Rural Settlement Allotment	40	4000																																																																																	
Public Purposes Zone	<b>Public Purposes</b>																																																																																			
	All public purposes	20	1000																																																																																	
Rural Subdivision																																																																																				



Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
Reconfiguring a lot in the Rural Zone makes efficient use of the land and available infrastructure.	Complies – refer to Officers comment above.	
Good Quality Agricultural Land		
<p>Good quality agricultural land is retained for agriculture or intensive agriculture by avoiding reconfiguring good quality agricultural land for other purposes, unless it can be demonstrated that:</p> <p>a) the land is not actually good quality agricultural land.</p> <p>b) the proposal does not create any additional new lots.</p> <p>c) the balance area has acceptable utility for rural, rural industry or other rural purposes.</p> <p>d) the intended use of the balance area will not lead to degradation of the land or water resources.</p> <p>e) the balance area has a reliable water supply, the ability to meet acceptable effluent disposal standards, practicable constructed road access and acceptable drainage provisions.</p>	<p>Considered to comply in part.</p> <p>While the site is not mapped as being good quality agricultural land by the 2011 Scheme, it is currently growing cane (assumed to be viably) and is identified in the NQ Regional Plan as being a Priority Agricultural Area.</p> <p>Refer also to officers’ comment above.</p> <p>Further, while the proposed development does create an additional lot, this subdivision is not considered to have a detrimental impact on the good quality agricultural land as the existing dwelling located on the subject site is a small section of land already removed from the farming area and does not have the ability for potential farming use.</p> <p>The larger balance parcel (proposed Lot 1) is to be maintained for continued agricultural activity.</p> <p>The proposed new access to proposed Lot 2 has been repositioned to be located outside of the existing open stormwater drain, being the reuse of the existing access route around the farmed land.</p> <p>While Councils reticulated water infrastructure is present along Klondyke Road, Council is not currently permitting new connections in the Rural Zone. The reticulated sewerage network is not available to the subject site.</p>	

Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
f) the excision of land containing a valuable feature of natural or cultural heritage significance.	The applicant has advised that the potable water supply to proposed Lot 2, will be via the use of rainwater tanks with a treatment system in place to ensure the water supply achieves potable quality.	

2022 Burdekin Shire Planning Scheme (draft at the time of lodgement of the development application)			
APPLICABLE ASSESSMENT BENCHMARKS			
Development	Zone	Overlays	Assessment Benchmarks
Reconfiguring a Lot – One (1) Lot into Two (2) Lots and Access Easement	Rural Zone		<ul style="list-style-type: none"> <li>All of the Planning Scheme</li> </ul>
ASSESSMENT			
<b>Strategic Framework</b> <p>The strategic framework sets the policy direction 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>			
<b>2.3 Liveable Communities and Infrastructure</b>		<p>The site is mapped as being Important Agricultural on the Strategic Framework Map.</p> <p>Where relevant, the proposed development is considered to comply or can be conditioned to comply with the strategic intent and outcomes sought by the Liveable Communities and Infrastructure theme within the overarching Strategic Framework.</p>	

<p><b>2.4 Economic growth</b></p> <p><b>Strategic outcomes</b></p> <p><b>2.4.1 Diverse rural futures</b></p> <p>(1) Burdekin has a strong and diverse rural economy, underpinned by sugar cane production but including an increasing mix of horticultural crops, animal husbandry and a range of value-adding activities associated with rural production.</p> <p>(2) Agricultural land classification class A and B and important priority agricultural areas are protected from encroachment of uses that may impact on the opportunity to enable increased agricultural production.</p> <p>(3) All land in the rural zone is protected from fragmentation as a result of the creation of small lot sizes below the minimum size nominated in the zone code. Reconfiguration creating lots below these minimum sizes does not occur, other than where:</p> <p>(a) consolidating the balance of the farmed lot, which is a minimum of 30ha, and the single lot created contains a dwelling house that existed at the commencement of this planning scheme.</p> <p>or</p> <p>(b) a result of rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land or the protection of its environmental values, without increasing the number of lots.</p>	<p>Where relevant, the proposed development is considered to comply or can be conditioned to comply with the strategic intent and outcomes sought by the Economic growth theme within the overarching Strategic Framework.</p> <p>In particular, the proposed development can demonstrate compliance with <b>Outcome (3) of 2.4.1</b> as</p> <ul style="list-style-type: none"> <li>(i) The proposed Lot 1 is to be 41.8ha in area and proposes the consolidation of the existing farmed lot that exceeds the minimum area requirement; and</li> <li>(ii) The proposed Lot 2 is to be 1.88ha in area and contains the existing dwelling house, which is an area of the subject site already removed from viable agricultural production activities.</li> </ul>
<p><b>2.5 Safe and resilient communities</b></p>	<p>Where relevant, the proposed development is considered to comply or can be conditioned to comply with the strategic intent and outcomes sought by the Liveable Communities and Infrastructure theme within the overarching Strategic Framework.</p>
<p><b>2.6 Natural resources, the environment and heritage</b></p>	<p>Where relevant, the proposed development is considered to comply or can be conditioned to comply with the strategic intent and outcomes sought by the Liveable Communities and Infrastructure</p>

	theme within the overarching Strategic Framework.
<b>Zone Code</b>	
<b>Rural Zone Code</b> <u>The purpose of the rural zone is to -</u> <ul style="list-style-type: none"> <li>(a) provide for rural uses and activities; and</li> <li>(b) provide for other uses and activities that are compatible with – <ul style="list-style-type: none"> <li>(i) existing and future rural uses and activities; and</li> <li>(ii) the character and environmental features of the zone; and</li> </ul> </li> <li>(c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.</li> </ul>	
<u>The purpose of the Rural Zone is to be achieved through the following overall outcomes:</u> <ul style="list-style-type: none"> <li>(a) rural land will be used sustainably to ensure the viability of the primary production base.</li> <li>(b) other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, residential and accommodation uses in the rural zone include: (i) dwelling houses generally limited to a single dwelling house on a lot; (ii) caretaker's accommodation, small scale rural workers' accommodation and non-resident workforce accommodation where they directly support primary production activities in the locality; and (iii) small scale tourist accommodation in the form of bed and breakfasts, farm stay, cabins and camping;</li> <li>(c) in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, development is limited to a dwelling house on an existing lot; Editor's note– Additional requirements may exist for the establishment of dwelling houses in some villages that are affected by natural hazards (refer to part 5 Overlays).</li> <li>(d) land in the rural zone is not used or subdivided for urban residential or rural residential purposes.</li> <li>(e) other than as provided for under (f), reconfiguration does not result in the creation of: (i) any new lots in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts; or (ii) lots less than 30ha in important priority agricultural areas or agricultural land classification class A and B areas shown on overlay map OM2; or (iii) lots less than 100ha elsewhere;</li> <li>(f) reconfiguration to create a smaller lot than the minimums set out in (e)(ii) and (iii) may occur where: (i) consolidating the balance of the farmed lot, which is a minimum of 30ha and the single lot created contains a dwelling house that existed at the commencement of this planning scheme; or (ii) rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land or the protection of its environmental values, without increasing the number of lots;</li> <li>(g) agricultural land classification class A and B and important priority agricultural areas shown on overlay map OM2 are protected from encroachment of</li> </ul>	

uses that may impact on the opportunity to enable increased agricultural production.

- (h) other than for public infrastructure, non-agricultural development within priority agricultural areas does not result in a net loss in agricultural production.
- (i) intensive animal industries and aquaculture occur in the rural zone (other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts) where they are sufficiently separated from existing sensitive land uses to ensure such that significant impacts are/can be avoided.
- (j) industries which may establish in the rural zone (other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts) include only: (i) rural industries; (ii) industries processing agricultural products which require a rural location: A. for proximity to the produce being processed; or B. to ensure a clean environment separate from general industrial activities; or C. to secure a lot size larger than lots available within industrial zoned land; (iii) industries associated with the use or processing of commodities grown in the region, such as sugar cane and grain, or their biproducts; (iv) extractive industries and other industries that require separation from urban or rural residential areas; and (v) renewable energy facilities;
- (k) other than within the KRA shown on overlay map OM6, any expansion of an existing extractive industry is limited to development that will not increase impacts onto the priority agricultural area or nearby sensitive land uses, the visual amenity of the locality or matters of environmental significance.
- (l) development for small scale tourism and recreational activities, such as nature-based tourism, outdoor sport and recreation, environment facilities or similar cultural attractions occur where they have a limited building footprint and do not involve significant modification of the natural landform.
- (m) home based businesses occur at a scale that is consistent with the amenity and character of the surrounding area.
- (n) development does not prejudice or detract from existing and intended rural activities in the surrounding area, or on the functionality of the stock route network shown on overlay map OM2.
- (o) development does not significantly impact on: (i) water and soil quality; (ii) the amenity of nearby sensitive land uses; (iii) the landscape and natural values of the locality; and (iv) the capacity of the road network on which it relies.
- (p) development minimises impacts on the natural environment and maintains habitat areas and corridors.
- (q) development is sited, designed and managed to avoid or reduce any risk of landslide to an acceptable or tolerable level.
- (r) Sensitive land uses and other forms of inappropriate development do not occur in proximity to former mining activities and related hazards (e.g., abandoned mines, tunnels and shafts), which may cause risk to people and property.

#### **Officers Comment**

Where relevant, the proposed development is considered to comply overall (and/or can be conditioned to comply), with the outcomes sought by the Rural Zone Code. In particular, the proposed development can demonstrate compliance with **Outcome (f)** as:

- (i) The proposed Lot 1 is to be 41.8ha in area and is a consolidation of the balance of the farmed lot.
- (ii) The proposed Lot 2 is to be 1.86ha in area and contains the existing dwelling house.

## Development Codes

### Reconfiguring a Lot Code

#### Purpose and overall outcomes

(1) The purpose of the reconfiguring a lot code is to facilitate the development of attractive, accessible, safe and functional neighbourhoods, centres and industrial areas, and to protect Burdekin's natural resources and environmental and landscape values.

(2) The purpose of the code will be achieved through the following overall outcomes:

(a) reconfiguration creates safe, convenient and attractive neighbourhoods, industrial areas and centres that are consistent with the intended outcomes for the zone in which the land is located.

(b) reconfiguration occurs in a way that makes efficient use of land and facilitates cost effective provision of infrastructure.

(c) functional street networks are created which provide high levels of accessibility and safety, particularly for pedestrians and cyclists.

(d) lots are of a size that to support the uses intended and create the character and density intended for the zone in which the land is located.

(e) the creation of new lots for residential purposes occurs only within urban or rural residential zoned land.

(f) reconfiguration ensures public open space and movement networks can be provided that are interconnected with the surrounding area, convenient, safe and able to meet community needs.

(g) reconfiguration in the rural zone occurs only in the circumstances intended in the zone code.

(h) new lots are provided with services that meet the need of users and minimise risks to the environmental or public health and safety.

(i) reconfiguration enables the protection of waterways, wetlands, ecological corridors for the movement of fauna and other significant environmental values.

#### Officers Comment

Where relevant, the proposed development is considered to comply despite the non-compliance in part and/or can be conditioned to comply with the relevant outcomes sought by the Reconfiguring a Lot Code, with a summary assessment undertaken below:

Performance	Acceptable Solution	Officers Comment
-------------	---------------------	------------------

Outcome																																																								
Neighbourhood design	Not applicable.																																																							
Landslip Hazard	Not applicable.																																																							
Lot Size and Layout	<div><p><b>Table 6.2.2.3(b)—Acceptable outcome – lot size and frontage</b></p><table><tr><th colspan="2">Zone</th><th>Frontage (m)</th><th>Area</th></tr><tr><td colspan="2">Low density residential zone Low-medium density residential zone</td><td>15</td><td>500m<sup>2</sup></td></tr><tr><td colspan="2">Township zone</td><td>15</td><td>800m<sup>2</sup> or 2,000m<sup>2</sup> where not connected to sewerage</td></tr><tr><td rowspan="3">Rural residential zone</td><td>Horseshoe Lagoon</td><td>60</td><td>2ha</td></tr><tr><td>Mount Kelly</td><td>40</td><td>4,000m<sup>2</sup></td></tr><tr><td>Elsewhere</td><td>40</td><td>2,000m<sup>2</sup></td></tr><tr><td colspan="2">Centre zone</td><td>10</td><td>400m<sup>2</sup></td></tr><tr><td colspan="2">Industry zone</td><td>20</td><td>1,000m<sup>2</sup></td></tr><tr><td colspan="2">Community facilities zone Recreation and open space zone</td><td>20</td><td>1,000m<sup>2</sup></td></tr><tr><td colspan="2">Emerging community zone</td><td>200</td><td>5ha</td></tr><tr><td colspan="2">Rural zone</td><td></td><td></td></tr><tr><td colspan="2">(a) in the Groper Creek, Jarvisfield, Jerona and Wunjunga village precincts</td><td colspan="2">No new lots created</td></tr><tr><td colspan="2">(b) in the priority agricultural area or agricultural land class A and B on overlay map OM2.</td><td>200</td><td>30ha</td></tr><tr><td colspan="2">(c) elsewhere</td><td>200</td><td>100ha</td></tr></table></div>	Zone		Frontage (m)	Area	Low density residential zone Low-medium density residential zone		15	500m <sup>2</sup>	Township zone		15	800m <sup>2</sup> or 2,000m <sup>2</sup> where not connected to sewerage	Rural residential zone	Horseshoe Lagoon	60	2ha	Mount Kelly	40	4,000m <sup>2</sup>	Elsewhere	40	2,000m <sup>2</sup>	Centre zone		10	400m <sup>2</sup>	Industry zone		20	1,000m <sup>2</sup>	Community facilities zone Recreation and open space zone		20	1,000m <sup>2</sup>	Emerging community zone		200	5ha	Rural zone				(a) in the Groper Creek, Jarvisfield, Jerona and Wunjunga village precincts		No new lots created		(b) in the priority agricultural area or agricultural land class A and B on overlay map OM2.		200	30ha	(c) elsewhere		200	100ha	<p>In the Rural Zone, the acceptable frontage for any new lot created is 200.0m and the area to be 30.0ha.</p> <p>The proposed development can only achieve this for proposed Lot 1 being the balanced, farmed lot.</p> <p>Given that the proposal achieves the compliance with the relevant outcomes sought by the 2022 Planning Scheme Strategic Framework and Rural Zone Code, it is considered this non-compliance associated with the creation of proposed Lot 2 is considered acceptable for this development.</p>
Zone		Frontage (m)	Area																																																					
Low density residential zone Low-medium density residential zone		15	500m <sup>2</sup>																																																					
Township zone		15	800m <sup>2</sup> or 2,000m <sup>2</sup> where not connected to sewerage																																																					
Rural residential zone	Horseshoe Lagoon	60	2ha																																																					
	Mount Kelly	40	4,000m <sup>2</sup>																																																					
	Elsewhere	40	2,000m <sup>2</sup>																																																					
Centre zone		10	400m <sup>2</sup>																																																					
Industry zone		20	1,000m <sup>2</sup>																																																					
Community facilities zone Recreation and open space zone		20	1,000m <sup>2</sup>																																																					
Emerging community zone		200	5ha																																																					
Rural zone																																																								
(a) in the Groper Creek, Jarvisfield, Jerona and Wunjunga village precincts		No new lots created																																																						
(b) in the priority agricultural area or agricultural land class A and B on overlay map OM2.		200	30ha																																																					
(c) elsewhere		200	100ha																																																					
Services	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the relevant outcomes.																																																							



	The subject site is not currently serviced (nor has the ability to be serviced) by Council's reticulated water and sewerage infrastructure.
<b>Road Design</b>	Not applicable.
<b>Environmental Management</b>	Where relevant, the proposed development has been conditioned to comply with the relevant outcomes sought in this regard.
<b>Development Works Code</b>	
<p><u>Purpose and overall outcomes</u></p> <p>(1) The purpose of the code is to ensure that development provides services to a standard which is efficient, effective and reflects community expectations, enhances the lifestyle of the community, and minimises impacts on neighbours, the streetscape and the environment.</p> <p>(2) The purpose of the code will be achieved through the following overall outcomes:</p> <ul style="list-style-type: none"> <li>(a) the location and design of infrastructure or works minimise impacts on amenity and landscape character.</li> <li>(b) development minimises site disturbance and impacts on the natural environment.</li> <li>(c) adequate infrastructure is provided that is adequate to meet the demand likely to be generated by the development.</li> <li>(d) a way that ensures the safe, efficient and cost-effective provision and operation of infrastructure networks occurs by ensuring: <ul style="list-style-type: none"> <li>(i) development occurs at a scale that is commensurate with the capacity of the strategic road network and provides access in a manner that protects the safety and efficiency of the network.</li> <li>(ii) development maintains high standards of water quality and the environmental health of waterways.</li> <li>(iii) public health and safety are protected.</li> </ul> </li> <li>(e) excavation and/or filling in the rural zone does not adversely impact on the premises, adjoining premises, overland flow paths, drainage paths, waterways, wetlands, or railway and road infrastructure.</li> </ul>	

**Officers Comment**

Where relevant, the proposed development is considered to comply or can be suitably conditioned to comply, with the relevant outcomes sought by the Development Works Code, with a summary assessment undertaken below:

Performance Outcome	Acceptable Solution	Officers Comment
<b>Earthworks</b>	Not applicable.	
<b>Excavation and Filling in the Rural Zone</b>	Not applicable.	
<b>Infrastructure</b>	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the relevant outcomes.  The subject site is not currently serviced (nor has the ability to be serviced) by Council's reticulated water and sewerage infrastructure.	
<b>Water Management</b>	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the relevant outcomes	
<b>Acid Sulfate Soils</b>	Where relevant, the proposed development is considered to comply with the relevant outcomes.	The site is noted as being located within the 5-20m PASS/AASS contour.  However as no excavation or change to existing ground levels are proposed as part of this development, no further assessment is required.  An advice statement will be included on any approval given.

<b>Traffic and Access</b>	Not applicable.
<b>Landscaping</b>	Not applicable.
<b>Waste and pollutant management</b>	Not applicable.
<b>Fire Hydrants in urban areas for building access by common private title</b>	Not applicable.

### 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.

<b>STATE PLANNING POLICY (JULY 2017)</b>				
<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>
<b>Housing supply and diversity</b>	<b>Agriculture</b>	Biodiversity	Emissions and hazardous activities	Energy and water supply
<b>Liveable Communities</b>	Development and construction	Coastal environment	Natural hazards, risk and resilience	Infrastructure Integration
	Mining and extractive	Cultural heritage		Transport Infrastructure

**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>
	resources			
	Tourism	Water quality		Strategic airports and aviation facilities
				Strategic ports

The Burdekin Shire IPA Planning Scheme does not currently integrate the relevant State Planning Policies (SPP) (*NB. the 2022 planning scheme integrates the relevant SPP's*).

However it is considered that the following are relevant to the development:

- Liveable Communities and Housing (Housing supply and diversity; Liveable Communities).
- Economic Growth (Agriculture).

The site is mapped as being a matter of state interest as an Important agricultural area (IAAs). IAAs means an important agricultural area as identified in the Queensland Agricultural Land Audit and shown in the SPP interactive mapping system as an IAA.

An IAA is defined in the Queensland Agricultural Land Audit as *an area that has all the requirements for agriculture to be successful and sustainable, is part of a critical mass of land with similar characteristics and is strategically significant to the region or the state.*

The purpose of this state planning policy is to ensure subject land identified as an IAA is not developed for non-agricultural purposes unless there is an overriding public need for the non-agricultural development to be located on this site.

The proposed development is considered to support the regions agricultural sector in remaining successful and viable. It is not considered to have a detrimental impact on the good quality agricultural land as the existing dwelling located on the subject site is a small section of land already removed from potential production, however the larger balance parcel is maintained for continued agricultural activity.

## Attachment D – Detailed Assessment

It is acknowledged that proposed Lot 1 (if approved) permits the building of a new dwelling on it, as of right.

While the proposed Lot 1 (if approved) permits the building of a new dwelling on it, provided the development footprint for the new dwelling (and the required infrastructure and access) is of an appropriate size so as not to constrain the viability of the agricultural use of the land, a new dwelling would not be considered to reduce the existing agricultural viability of the farming activity, given the lot will remain over 40.0ha in area post subdivision.

Note future applications for further subdivision of proposed Lot 1 are not supported by the planning scheme, nor is such an application likely to be supported by Council officers.

### **North Queensland Regional Plan**

*The North Queensland Regional Plan (NQRP)* establishes strategic planning framework intended to guide the region's 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 proposed development is located on a Priority Agriculture Area and therefore the Development Assessment Benchmarks for PAAs are applicable.

*PAAs are strategic clusters of the most regionally significant agricultural production areas that contain various priority agricultural land uses (PALU). These uses include broadacre cropping, horticulture, intensive animal husbandry, plantation forestry and terrestrial aquaculture as shown on Map 1. Any non-agricultural use or resource activity seeking to operate in these areas will not be supported unless they can co-exist with the PALUs for mutual benefit and without compromising the PALUs current or future ability to operate. PAAs and PALUs are defined terms under the RPI Act. They identify geographic areas with specific values for the purposes of both the RPI Act and the Planning Act to achieve a consistent planning outcome.*

Development assessment benchmarks for PAAs together with the assessment of the proposal against these is provided for in the below table.

Regional outcome: 1.1 Maintain and expand a prosperous and sustainable agricultural sector in the region.		
Assessment benchmarks	Applicants Assessment	Officers Assessment
<ul style="list-style-type: none"> <li>Development does not result in, or contribute to, a net loss to overall agricultural productivity within the PAA.</li> <li>Development does not result in widespread or irreversible impacts to the future use of a PAA for agricultural activities.</li> </ul>	<p><u>Response in Addition to Section 5.2 of the Development Application</u></p> <p>The proposed development is considered to align with the goals outlined in the Regional Plan to the extent relevant.</p> <p>The subject land is located within a Priority Agricultural Area (PAA) as defined by the Regional Plan. The Regional Plan regulates development within PAAs to maintain and expand a prosperous and sustainable agricultural sector in the region.</p> <p>The proposed development has been assessed against the Regional Plan benchmark for development in PAAs and has been determined to be consistent with the relevant provisions.</p> <p>In particular:</p> <ul style="list-style-type: none"> <li>the proposed subdivision will not result in, or contribute to, a loss to overall agricultural productivity within the PAA given it will not result in a notable reduction in the size or extent of existing agricultural land. In particular, it is noted that the farmed land remaining still achieves the 30-ha minimum lot site; and</li> <li>the subdivision of the land will not result in</li> </ul>	<p>It is understood that the rationale behind the subdivision proposal is to ensure productive rural land within a land holding is restructured to provide a suitable outcome that assists with ensuring the viability of agriculture on the subject site continues.</p> <p>The applicant provides that the purpose of the proposed development is to subdivide existing Lot 100 into two allotments to formalise the existing separation already on site between the rural land that is currently farmed from the area used for residential purposes.</p> <p>Given this and that the development is not considered to result or contribute to a net loss to overall agricultural productivity within the PAA, the proposed development is considered to achieve compliance with Regional Outcome 1.1.</p> <p>It is acknowledged that proposed Lot 1 (if approved) permits the building of a new dwelling on it, as of right.</p> <p>Provided the development footprint for the new dwelling (and the required infrastructure and access is of an appropriate size so as not to</p>

Regional outcome: 1.1 Maintain and expand a prosperous and sustainable agricultural sector in the region.		
	widespread or irreversible impacts to the future use of a PAA for agricultural activities.	<p>constrain the viability of the agricultural use of the land, a new dwelling would not be considered to reduce the existing agricultural viability of the farming activity, given the lot will remain over 40.0ha in area post subdivision.</p> <p>Note future applications for further subdivision of proposed Lot 1 are not supported by the planning scheme, nor is such an application likely to be supported by Council officers.</p>

### **Public Submissions**

Public notification was not required for the development as it is code assessable under the *Burdekin Shire IPA Planning Scheme 2011*.

### **Infrastructure Considerations**

The subject site is not currently connected nor proposed to connect to Council's reticulated networks, with the potable water supply and sewerage disposal for the existing dwelling house, to be provided onsite.



## Attachment D – Detailed Assessment

### Infrastructure Charges

Infrastructure charges are applicable to the proposed development, as reconfiguring a lot is a development type which triggers infrastructure charges. Infrastructure charges for Transport Network only are applicable to the proposed development.

Detail of the calculated infrastructure charge is reflected hereunder:

### **Levied Charges**

<b>Development Description</b>	<b>Water Supply</b>	<b>Sewerage</b>	<b>Transport</b>	<b>Public Parks &amp; Land for Community Facilities</b>	<b>Stormwater</b>	<b>Total</b>
Reconfiguring a Lot	-	-	\$2,500.00	-	-	\$2,500.00
<b>Total</b>	-	-	<b>\$2,500.00</b>	-	-	<b>\$2,500.00</b>

### Referral Agencies

The Development Application did not require referral to the North Queensland State Assessment and Referral Agency (NQSARA) under the *Planning Regulation 2017*.