



Burdekin Shire Council

AGENDA

ORDINARY COUNCIL MEETING

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

on 23 May 2023

COMMENCING AT 9:00 AM

At this meeting contributions made by members of the public may be recorded by way of audio recording which will be used for the purpose of developing minutes of the meeting and decision making of Council. Burdekin Shire Council is bound by the *Information Privacy Act 2009* to protect the privacy of personal information.

Under Local Law 1 Section 35(3) a person must not make an audio or video recording of a local government meeting, a standing committee meeting, a special committee meeting or an advisory committee meeting unless the chairperson at the meeting gives consent in writing to the recording of the meeting.

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ORDER OF BUSINESS:

ATTENDANCE

- 2. PRAYER**
 - 3. DECLARATIONS OF INTEREST**
 - 4. MINUTES AND BUSINESS ARISING**
 - 4.1. Ordinary Council Meeting Minutes - 9 May 2023**
 - 4.2. Economic Development Advisory Group Meeting Minutes - 30 March 2023**
 - 4.3. Burdekin Shire Youth Council Meeting Minutes - 17 April 2023**
 - 4.4. Audit Committee Meeting Minutes - 3 May 2023**
 - 4.5. Community Grants Panel Meeting Minutes - Round 4 - 3 May 2023**
 - 5. EXECUTIVE**
 - 5.1. CEO**
 - 5.2. ECONOMIC DEVELOPMENT**
 - 6. CORPORATE AND COMMUNITY SERVICES**
 - 6.1. CLIENT SERVICES**
 - 6.1.1. Bullying, Anti-Discrimination and Sexual Harassment Policy**
 - 6.2. COMMUNITY DEVELOPMENT**
 - 6.3. FINANCIAL AND ADMINISTRATIVE SERVICES**
 - 6.3.1. Request for Write off of Water Consumption Charges - Parkside Development Pty Ltd**
 - 6.3.2. Six Monthly Rating**
 - 6.3.3. Monthly Financial Report - April 2023**
 - 6.4. GOVERNANCE**
 - 6.4.1. Adoption of Council Property and Leasing Policy**
 - 6.4.2. Audit Committee Charter**
 - 7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES**
 - 7.1. ENVIRONMENTAL AND HEALTH SERVICES**
 - 7.2. OPERATIONS**
 - 7.2.1. TBSC/23/009 - Register of Pre-Qualified Suppliers - Instrumentation**
 - 7.3. PLANNING AND DEVELOPMENT**
 - 7.3.1. Development Application Material Change of Use for Service Station and Shop at 119-121 Edwards Street, Ayr (Lot 21 on A2652)**
 - 7.3.2. Development Application for Reconfiguring a Lot one (1) into two (2) Lots at 910 Home Hill Kirknie Road, Osborne**
 - 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

13.1. Australian Citizenship Ceremony

4.1. MINUTES AND BUSINESS ARISING

Ordinary Council Meeting Minutes - 9 May 2023

Recommendation

That the minutes of the Ordinary Council Meeting held on 9 May 2023 be received as a true and correct record.

Attachments

1. Minutes - Ordinary Council Meeting - 9 May 2023



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 9 May 2023

COMMENCING AT 9:03 AM

ORDER OF BUSINESS:

1. ATTENDANCE

Councillor Lyn McLaughlin, Councillor Sue Perry, Councillor Kaylee Boccalatte (arriving at 9.28am), Councillor John Bonanno, Councillor Michael Detenon, Councillor John Furnell, Councillor Max Musumeci.

Mr. T. Brennan - Chief Executive Officer
Mr. N. O'Connor – Director Corporate and Community Services
Mr. K. Byers - Manager Technical Services (Part)
Mrs. E. Devescovi - Manager Client Services (Part)
Mr. D. Mulcahy - Manager Environmental and Health Services (Part)
Mr. M. Pearce - Senior Planning Officer (Part)

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

Minutes Clerk - Ms. G. Biffanti

2. PRAYER

The meeting prayer was delivered by Councillor Lyn McLaughlin.

3. DECLARATIONS OF INTEREST

Councillor Detenon advised he had a Declarable Conflict of Interest in relation to Item 7.1.2 - Adoption of Reef Action Plan 2023-2027 as he is the president of the Burdekin Fish Restocking Association, which will benefit from the Reef Action Plan 2023-2027 by supporting fish restocking in the future. Councillor Detenon advised of his intention to leave the meeting prior to this discussion.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 26 April 2023

Recommendation

That the minutes of the Ordinary Council Meeting held on 26 April 2023 be received as a true and correct record.

Resolution

Moved Councillor Detenon, seconded Councillor Perry that the recommendation be adopted noting the following amendment to Item 7.3.1 point 1, part b of the Motion to approve the application:

- b. There are existing **habitable** dwellings already located on each of the proposed lots, which will not impact on the future use of the existing agricultural land.

CARRIED

5. EXECUTIVE

5.1. CEO

5.1.1. Council Workshops - April 2023

Executive Summary

In line with its normal meeting arrangements, the Council conducted two (2) general workshops during April with workshops held on 4 and 18 April 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 4 and 18 April 2023 be received and noted.

Resolution

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

CARRIED

5.2. ECONOMIC DEVELOPMENT

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.1.1. Council Annual Leave and Long Service Leave Report 28 April 2023

Executive Summary

The purpose of this report is to provide Council with an update on current Annual Leave and Long Service Leave accrued entitlements for staff.

Recommendation

That the Staff Accrued Annual Leave and Long Service Leave Entitlement Reports be received and noted.

Resolution

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

CARRIED

9.17am - Mrs. Devescovi left the meeting.

6.2. COMMUNITY DEVELOPMENT

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.4. GOVERNANCE

6.4.1. Conflict of Interest for Workers Policy

Executive Summary

Conflicts of interest can arise when there is competition between an Officer's private interests, financial or otherwise, and their official duties. Unidentified and unmanaged conflicts of interest can lead to bias or corruption, which in turn can harm the community's trust in Council and may undermine the legitimacy of its decisions.

Council's Conflict of Interest for Workers Policy establishes clear guidelines for identifying, disclosing and managing conflicts of interest. The policy ensures transparency in the decisions-making process in relation to declared conflicts, ensuring that senior officers oversee and agree to appropriate treatments and responses to identified conflicts.

The Conflict of Interest for Workers Policy forms part of Council's Fraud and Corruption Control Framework and has been reviewed and updated in accordance with the normal review cycle.

Recommendation

That Council adopts the updated Conflict of Interest for Workers Policy as attached to this report.

Resolution

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

CARRIED

6.4.2. Operational Plan 2022/2023 Q3 Report

Executive Summary

Council's 2022/2023 Operational Plan outlines the activities and performance measures aimed at progressing Council towards achieving its corporate objectives within the Corporate Plan 2022-2027. The Operational Plan Q3 report provides Council with an overview of all operational plan activities and their status as at the end of the third quarter period (1 January 2023- 31 March 2023).

Management comments have been provided for each operational plan activity, along with a traffic light reporting system which provides an "at a glance" view of progress. At the end of the Q3 period, 146 activities (86%) were considered to be at or above the agreed targets, 21 activities (13%) were progressing and 1 activity (1%) were under target.

No activities were considered to be "inactive" during the Q3 period. This position is a slight decline on the position at the same time last year when 90% of activities were reported to be at or above target.

Recommendation

That Council adopts the Operational Plan 2022/2023 Q3 report as attached to this report.

Resolution

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

CARRIED

9.26am - Mr. Mulcahy entered the meeting.

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.1.1. Adoption of Vending Policies

Executive Summary

From time-to-time Council receives applications under its local laws to undertake mobile and/or roadside vending activities on Council roads or Council owned or controlled land.

The preparation and adoption of relevant policies will assist in providing clarity to potential applicants and providing guidance to Council Officers in the assessment and determination of applications.

The policies were first introduced in April 2021 and are put forward for re-adoption without any amendment.

Recommendation

1. That Council adopts the attached Vending on Council Roads Policy.
2. That Council adopts the attached Vending on Council Owned or Controlled Land Policy.

Resolution

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

CARRIED

9.28am - Councillor Boccalatte entered the meeting.

7.1.2. Adoption of Reef Action Plan 2023 - 2027

9.30am Councillor Detenon left the meeting at the commencement of this discussion as he had a Declarable Conflict of Interest in relation to Item 7.1.2 - Adoption of Reef Action Plan 2023-2027 as he is the president of the Burdekin Fish Restocking Association, which will benefit from the Reef Action Plan 2023-2027 by supporting fish restocking in the future.

Executive Summary

Council is committed to protecting the Great Barrier Reef through its partnership with the Great Barrier Reef Marine Park Authority (GBRMPA) Reef Guardian Council Program. It is requirement of the program that Council develop a Reef Guardian Action Plan.

A review has been undertaken of the current 2020-2024 Plan and a revised version is attached for consideration and adoption for the period 2023-2027.

Recommendation

That Council adopt the Burdekin Shire Council Reef Guardian Action Plan 2023-2027.

Resolution

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

CARRIED

9.33am - Mr. Pearce entered the meeting.

9.34am - Mr. Byers entered the meeting.

9.37am - Mr. Mulchay left the meeting.

9.37am - Councillor Detenon returned to the meeting.

7.2. OPERATIONS

7.3. PLANNING AND DEVELOPMENT

7.3.1. Reconfiguring a Lot - Subdivision One (1) into Two (2) Lots at 39 and 43 Robins Road, Ayr

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.

Council considered the application and Officers recommendation for refusal at the meeting of the 26 April 2023. The Officer's recommendation was not accepted, and a motion was moved and carried to approve the development subject to reasonable and relevant conditions.

These conditions were to be drafted by Council's Officers and provided to Council for review and determination at a subsequent Council meeting.

Recommendation

That Council approve the recommended conditions of approval as set below.

Condition	Reason	Timing
1. General and Administration <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 release of the survey plan.		
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		

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>		
2. Approved Plans and Supporting Documents		

Condition	Reason	Timing												
<table border="1"> <thead> <tr> <th>Drawing Title</th><th>Drawing/Revision</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Proposed Lots 41 and 42 cancelling Lot 4 on RP719819</td><td>E4656-SK-02, Issue C, Sheet 1</td><td>18/03/2023</td></tr> <tr> <td colspan="3">Associated Reports</td></tr> <tr> <td colspan="3">Development application prepared by Milford Planning, February 2023 including the Further Information Response, March 2023.</td></tr> </tbody> </table>	Drawing Title	Drawing/Revision	Date	Proposed Lots 41 and 42 cancelling Lot 4 on RP719819	E4656-SK-02, Issue C, Sheet 1	18/03/2023	Associated Reports			Development application prepared by Milford Planning, February 2023 including the Further Information Response, March 2023.				
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<p>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.</p> <p>2.2 One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.</p> <p>2.3 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.</p> <p>2.4 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p>	The development must comply with all planning scheme requirements as approved and conditioned by this development permit.	At all times.												
3. Payment of Rates, Charges and Expenses														
<p>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.</p>	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.		
4. Water Supply 4.1 Lot 42 must be connected to Council's reticulated water supply. 4.2 Lot 41 is unable to be connected to Council's reticulated water supply. 4.3 The applicant must provide a certified statement from a licensed plumber that no existing interconnecting water supply plumbing crosses the boundaries between the proposed new lots.		
5. Confirmation of Existing Services 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.
5. Relocation/alteration of Public Utilities 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.
6. Roadworks 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	Prior to the issuing of a Development

Condition	Reason	Timing
	relevant code/s and policy direction.	Permit for Building Works.
7. Drainage/Stormwater 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.

Advice
1. Infrastructure Charges N/A
2. Compliance with Conditions Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.
3. Reticulated Water and Sewer Infrastructure Proposed Lot 41 is unable to be connected to Council's reticulated infrastructure.
4. Limitation of Approval 5.1 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. 5.2 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. As far 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 indemnify and save the council harmless in respect of any claim so arising.
5. Miscellaneous

Condition	Reason	Timing
The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au		
6. Earthworks 6.1 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. 6.2 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.		

Resolution

Moved Councillor Musumeci, seconded Councillor Perry that the recommendation be adopted noting the following amendments to the conditions:

Section 4. Water Supply

- Lot 41 is **able** to be connected to Council's reticulated water supply, ***upon application and payment of the Rural Water Supply connection fee in accordance with Council's fees and charges.***

and the removal in Advice Section of:

- 3. Reticulated Water and Sewer Infrastructure
Proposed Lot 41 is unable to be connected to Council's reticulated infrastructure.

FOR - Councillors Sue Perry, Kaylee Boccalatte, Max Musumeci, Michael Detenon, John Bonanno, John Furnell

AGAINST - Councillor Lyn McLaughlin

6/1

CARRIED

9.43am - Mr. Pearce left the meeting.

7.4. TECHNICAL SERVICES

7.4.1. Proposals Received for Tender TBSC/23/011 Supply and Installation of Guardrails at Brown Road Mona Park, George Road and School Road, Clare

Executive Summary

The Design office engaged with an external consultant to assess the current conditions and compliance of all known and unknown guardrails within the Council area (77 sites). Site inspections carried out by the qualified professionals reported 37 roadside barriers require upgrade due to the high-risk rating and/or condition rating 4 (poor) to 5 (very poor).

This report analyses the results of the tenders that have been received for TBSC/23/011 Supply and Installation of Guardrails at Brown Road Mona Park, George Road, and School Road Clare and recommends the preferred contractor to complete the required works.

Recommendation

1. Council accepts the fixed price tender of \$270,757.36 excluding GST from A1 Highways as this is the most advantageous tender received for TBSC/23/011 Supply and Install of Guardrails at Brown Road Mona Park, George Road and School Road, Clare.

-
2. Council engages the preferred contractor for the additional works associated with the installation of guardrail at the intersection of Irving Street and Airdmillan Road, Ayr under contract TBSC/23/011.

Resolution

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

CARRIED

9.45am - Mr. Byers 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 10.06am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 23 May 2023.

MAYOR

4.2. MINUTES AND BUSINESS ARISING

Economic Development Advisory Group Meeting Minutes - 30 March 2023

File Reference: 1224

Report Author: Eliza Lovell, Economic Development Coordinator

Authoriser: Terry Brennan, Chief Executive Officer

Meeting Date: 23 May 2023

Purpose

This report provides the minutes of the Economic Development Advisory Group Meeting held on 30 March 2023.

Summary of recommendations and actions for consideration and adoption:

That:

1. the minutes of the Economic Development Advisory Group Meeting held on 30 March 2023 be noted and adopted.
2. Council lobby project managers to consider promoting the Burdekin as a location to base and access the workforce required for the Burdekin Falls Dam raising project.
3. Council advocate for the Burdekin to be included in opportunities in relation to the Copperstring Project.

Recommendation

That:

1. the minutes of the Economic Development Advisory Group Meeting held on 30 March 2023 be noted and adopted.
2. Council lobby project managers to consider promoting the Burdekin as a location to base and access the workforce required for the Burdekin Falls Dam raising project.
3. Council advocate for the Burdekin to be included in opportunities in relation to the Copperstring Project.

Attachments

1. 17. EDAG - Minutes - 30 Mar 2023

Meeting Minutes

Meeting	Economic Development Advisory Group Meeting		
Date	Thursday, 30 March 2023	Time	3:00pm
Attendees	Eliza Lovell, Melissa Robinson, Jim Fahey, James Lewty, Ian MacDonald, Paul Giordani, Matt Oar, Councillor Max Musumeci, Councillor Michael Detenon		
Apologies	Neil Williams, Neil Green		
Chairperson	Jim Fahey		
Minutes Clerk	Melissa Robinson		
Location	Burdekin Shire Council – Ernie Ford Board Room		

Minutes

1. Welcome

Mr Fahey welcomed everyone to the meeting and provided an acknowledgement to Country. Apologies were noted. No conflicts of interest were declared for the agenda items.

Minutes of previous meeting were approved and adopted by Council.

Cr Musumeci advised that during the Council Meeting when the minutes were adopted, Cr Boccalatte enquired about the 'new resident survey' and questioned if the Burdekin Shire Council website needed an update to be more user friendly to new residents. Ms Lovell responded that she is working with the IT department to develop a new page dedicated for new residents to easily access relevant information.

Cr Musumeci suggested looking into Flinders Shire website as an example of a website that has easy to access information with just a few clicks.

2. Virtual Presentation – Burdekin Falls Dam Raising Project – Simon Thomas & Alice Cuff - Sunwater

Mr Thomas and Ms Cuff provided an overview of Sunwater operations across central and Northern Queensland as well as the Burdekin Falls Dam Raising Project.

Ms Cuff explained that Sunwater is currently at the Environmental Impact Statement stage of the dam raising project. Sunwater is currently preparing the draft impact statement including the studies involved with the aim to submit the draft in 2023 to the Queensland Coordinator General. The draft statement will be available for public comment for 6-8 weeks.

Mr Thomas presented on the project scope which includes raising the spillway by 2 meters and constructing saddle dams around the catchment. Raising of the spillway acts as a dual purpose which includes increasing the storage capacity whilst also improving the safety of the structure which is a requirement across Queensland by 2025.

Worker camps will be constructed on site to accommodate approx. 250-350 people who will be involved in the project. Sunwater aims to have workers stay on site due to the location and access.

Currently during the EIS and community consultation stage there will be small to medium size contracts being awarded including road upgrades, quarry work, sand extraction, upgrades to water treatment plant, camp installation etc. Local suppliers are encouraged to view the Sunwater website for more information and add their business to the mailing list to get updates on projects and employment and supply opportunities as the project progresses.

Ms Cuffe advised the group that Sunwater is currently engaging with the community to gain feedback on expectations, how to maximise local employment, local supply and possibly opportunities to improve recreational facilities at the dam. Sunwater currently has a Community Reference Group that was established for this project that Mayor Lyn McLaughlin is a member of. Ms Cuffe advised that Sunwater will continue to update the Economic Development Advisory Group on the project as they get closer to the EIS being released for public comment.

Ms Cuffe advised that they are currently looking into legacy items once the project is completed for recreational facilities. Mr Thomas confirmed that this is part of the project scope to leave a legacy and options are being considered.

Ms Robinson asked what the best way is for the community and local industry to keep updated as the project progresses including opportunities for local supply. Ms Cuffe advised that she will keep in contact with Ms Lovell to provide updates. Sunwater will also look to host local information sessions with the Council and community at key dates. Ms Cuffe also recommended businesses join the mailing list on Sunwater's website for direct updates. Mr Thomas added that they will be following the procurement standards which includes updating the community through events such as industry briefings and engaging with local communities for procurement.

Cr Musumeci asked about issues relating to rising ground water and salinity and if the raising of the dam will make these worse. Ms Cuffe responded that this is currently being studied through the EIS and results will come out when the draft EIS is released.

Mr Fahey thanked Mr Thomas and Ms Cuffe for their presentation and update on the project.

Recommendation – Council lobby project managers to consider promoting the Burdekin as a location to base and access the workforce required for the Burdekin Falls Dam raising project.

3. Discussion Items

a. Visit Burdekin Guide

Ms Robinson provided an update on the new Visit Burdekin Guide. Advertising bookings are now open for local businesses to promote their business to visitors through this publication.

Mr Fahey suggested including some general information on the Burdekin to showcase liveability to visitors that might be interested in moving to the Burdekin.

Action – Include information on liveability in new Visit Burdekin Guide to encourage visitors to consider relocating to the Burdekin.

b. New Residents Survey

Ms Lovell displayed the draft New Resident Survey that was created. The survey has been tested by a small number of Council employees for their feedback prior to distributing. Ms Lovell went through the results that were collected by the sample and asked for feedback from members.

Ms Lovell advised that the survey will be promoted via social media and also distributed through Council staff and large companies to promote to their new employees, local schools to promote to new families and local real estate agents. Mr Fahey also suggested trying the local solicitors to reach new clients and residents. Other suggestions for distribution included posters at health services, chemists, sporting clubs, sporting and community groups.

c. Council Website

Ms Lovell advised that the team is currently working on the website to include information for new residents on one page.

4. General Business**a. Neil Williams – Local paper & Retirement Village**

Ms Lovell advised on behalf of Mr Williams that he has followed up with the Whitsunday/Mackay Paper and he is going to arrange a meeting with them in the coming weeks. Mr Williams will continue to update the group on discussions.

Ms Lovell advised the group on behalf of Mr Williams that he has also been in contact with retirement village developers to promote the Burdekin as a potential location.

b. Ian MacDonald – State/Nationwide advertising campaign

Mr MacDonald commented that he has recently seen campaigns by Charters Towers and the Isaac region encouraging people to relocate to their region. Mr MacDonald asked if Council could contact these councils to gain an understanding if they believe these campaigns were successful in increasing their population.

Ms Robinson advised that she has undertaken some research into costs involved to run a television campaign in Queensland, Northern New South Wales and Victoria.

It was agreed that more research would be required before considering undertaking a campaign including what market/demographic we are looking to target to move to the Burdekin and what would be the most effective channel to deliver this message.

Mr Giordani mentioned that Wilmar utilise a variety of mediums to promote employment opportunities including social media, tv advertising, targeting grey nomad platforms and international advertisements.

Ms Lovell also displayed the new Jobs and Live NQ platforms that have been developed by Regional Development Australia which also support promotion of the region. Once the websites have been officially launched by RDA, Council will promote further and include links on their website.

Action – Council to contact Charters Towers and Isaac Regional Councils to gain an understanding of the cost and effectiveness of their promotional campaigns.

c. Matt Oar – Copperstring Project

Mr Oar discussed the Queensland Energy and Jobs Plan and the announcement of funding for the Copperstring project. He advised that the Burdekin needs to be advocating for opportunities for employment, supply and manufacturing in regard to this major project.

Recommendation – Council advocate for the Burdekin to be included in opportunities in relation to the Copperstring Project.

Meeting Close: 5pm

Next meeting – Thursday 1 June 2023 at 3pm.
Meeting closed at 5:00pm

Agreed Actions Items

	Action Item	Responsible Officer	Due Date	Status
1	Include information on liveability in new Visit Burdekin Guide to encourage visitors to consider relocating to the Burdekin	M Robinson	01-06-2023	
2	Council to contact Charters Towers and Isaac Regional Councils to gain an understanding of the cost and effectiveness of their promotional campaigns.	E Lovell	01-06-2023	

Agreed Recommendations

	Action Item	Responsible Officer	Due Date	Status
1	Council lobby project managers to consider promoting the Burdekin as a location to base and access the workforce required for the Burdekin Falls Dam raising project.	E Lovell	01-06-2023	
2	Council advocate for the Burdekin to be included in opportunities in relation to the Copperstring Project.	E Lovell	01-06-2023	

4.3. MINUTES AND BUSINESS ARISING

Burdekin Shire Youth Council Meeting Minutes - 17 April 2023

File Reference: 137

Report Author: Tammy Quagliata, Community Development Support Officer

Authoriser: Tony Blackwell, Manager Community Services

Meeting Date: 23 May 2023

Purpose

This report provides the minutes of the Burdekin Shire Youth Council Meeting held on 17 April 2023.

Summary of recommendations and actions for consideration and adoption:

Item 3 - NQ Fast Track Talent Showcase - 18 March 2023

Council notes the involvement of the Burdekin Shire Youth Council in the successful running of the 2023 NQ Fast Track Talent Showcase event held on 18 March.

Item 4 - Qld Youth Week Pool Party & Pop-Up Consultation - 13 April 2023

Council notes the involvement of the Burdekin Shire Youth Council in the successful running of the Youth Pool Party and Pop-Up Youth Consultation held as part of Qld Youth Week on 13 April 2023.

Item 5 - Involvement in Sweet Days, Hot Nights Festival - 26-27 May 2023

Council notes the proposed involvement of the Burdekin Shire Youth Council in the upcoming Sweet Days, Hot Nights Festival to be held on 26-27 May 2023.

Recommendation

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 17 April 2023 be noted; and
2. the recommendations as detailed in the minutes and summarized in Items 3, 4 & 5 above be adopted.

Attachments

1. Minutes - Burdekin Shire Youth Council Meeting held 17 April 2023 (1)

Meeting Minutes

Meeting	Burdekin Shire Youth Council Meeting		
Date	Monday, 17 April 2023	Time	3:30 PM
Attendees	Zavier Woods - Youth Mayor Brent Dingle – Deputy Youth Mayor Joshua Machin - Secretary Byrin Bojack – Burdekin Catholic High School Breanna Wood – Ayr State High School Clodagh Liessmann - Burdekin Catholic High School Haigan MacDonald – Burdekin Catholic High School Jorda Quagliata – Ayr State High School Michael Lindley – Ayr State High School Matilda Wiseman – Ay State High School Milla Licciardello – Burdekin Catholic High School Martina Bojack – Home Hill State High School Thomas Lindley – Ayr State High School Taliyah Lammon – Burdekin Catholic High School Tammy Quagliata – Burdekin Shire Council Tony Blackwell – Burdekin Shire Council Cr. John Furnell – Burdekin Shire Council Cr. Kaylee Boccalatte – Burdekin Shire Council		
Apologies	Eddie Jones – Ayr State High School Emily Holmes – Burdekin Christian College Jasmine Styles – Home Hill State High School Cr. Lyn McLaughlin - Mayor, Burdekin Shire Council		
Chairperson	Zavier Wood, Youth Mayor		
Minutes Clerk	Joshua Machin & Tammy Quagliata		
Location	John Drysdale Chamber		

Agenda Items

1. Minutes of 13 March 2023 Meeting Received

Moved by Michael Lindley seconded by Thomas Lindley that the minutes of the Burdekin Shire Youth Council Meeting held on 13 March 2023, be received.

CARRIED

2. Correspondence

Inward Correspondence

1. Young Endeavour Youth Scheme – Advising that applications are now open for youth development in the Young Endeavour Youth Scheme. For more information visit their Facebook page or email mail@youngendeavour.gov.au.
2. National Volunteer Week – Advising that National Volunteer Week 2023 will be held from 15-21 May 2023. The theme for 2023 is 'The Change Makers'.
3. Townsville City Council/Townsville Youth Council – Inviting participants between grade 10 & 12 to network, build leadership skills and learn the power of vulnerability and the strength in being advocates for important issues in the community. Youth Council members are encouraged to attend. Please see Tammy to register.

Note – Discussions were held regarding the possibility of members attending for 1 or the 2-day program.

Outward Correspondence

1. All Members – Seeking signed media consent forms for all Youth Council Members.

Moved Michael Lindley, seconded by Jorda Quagliata that the inward correspondence be received, and the outward correspondence adopted.

CARRIED

3. Feedback from NQ Fast Track Talent Showcase – 18th March 2023

Feedback was given regarding the NQ Fast Track Talent Showcase. Members noted that there appeared to be about a 50/50 split of local / non-local participants at the event. Members noted that having the guest singers was a great drawcard with lots of great feedback received. Overall, the event went well and was successful. Tammy Quagliata thanked the many Youth Council volunteers who assisted throughout the event, noting that the Fast Track event team commented on their wonderful commitment.

4. Feedback from QLD Youth Week Pool Event – 13th April 2023

Discussions were held regarding the Qld Youth Week Pool Party including the sausage sizzle and youth feedback booth, held on Thursday 13th April 2023. It was noted that approximately 150 young people attended the event with many of them giving suggestions at the booth. Members suggested that the pool party become a regular event and suggested that it could go for a little longer.

It was agreed that appreciation be forwarded to the Ayr Pool lessees, who were very welcoming and accommodating whilst hosting of the event, as well as the Ayr Surf Lifesavers Club who assisting with running of the sausage sizzle at the event.

Tony Blackwell congratulated Youth Council on the success of the event, noting the diverse attendance and the excellent reception of attendance to the youth consultation. Tammy Quagliata noted that the feedback would be collated and tabled for the group at the next meeting.

Overall, the event was a great success and Tammy Quagliata thanked the many volunteers from the Youth Council that assisted at the event, especially the engaging youth consultation which was very

successful.

5. Save the Date – Sweet Days, Hot Nights Festival (26-27 May 2023)

Tammy Quagliata reminded members that the Burdekin's Sweet Days, Hot Nights Festival would be held on 26-27th May at the Home Hill Showgrounds. The festival would include the Burdekin Cultural Fair featuring The First Fire and the Australian Hand Cane Cutting Championships.

Tammy Quagliata reminded members that the Youth Council had agreed to provide an activity stall at the Burdekin Cultural Fair featuring The First Fire which would be held at the Home Hill Showgrounds on Friday 26th May from 5.30pm. Tammy undertook to email all members regarding a volunteer roster.

Further volunteers are sought for the Australian Hand Cane Cutting Championships to be held on Saturday 27th May 2023 from 11am.

A volunteer roster would be coordinated in early May and distributed to all members. Members were also asked to assist in promoting of the family friendly festival.

6. Members Update

Members were each given the opportunity to give an update from within their schools, sporting clubs and community or share personal achievements.

7. Other General Business

Discussions were held regarding hosting Youth Council Meetings at various locations throughout the year including community venues, schools, Home Hill etc. Members agreed this would be a good idea.

8. Next Meeting – 13th March 2023

It was noted that the next meeting of the Burdekin Shire Youth Council would be held on Monday 22nd May 2023 with the location to be confirmed.

There being no further business, the meeting closed at 4.10pm.

Actions Items from Meeting

	Action Item	Responsible Officer	Due Date	Status
	Investigate alternative Youth Leadership Development programs	Tammy Quagliata	Ongoing	
	Liaise with Burdekin Education Program regarding networking opportunities	Tammy Quagliata	Early 2023	
	Circulate Wellbeing Packs in local high schools	Tammy Quagliata	May 2023	
	Investigate possibility of hosting a public speaking competition/opportunity for youth.	Tammy Quagliata	Ongoing	
	Correspond with local high school interact/student council reps regarding	Tammy Quagliata/Youth Council Executive	April/May 2023	

	collaboration/networking with Youth Council			
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Recommendations for Council Consideration

	Recommendation	Minutes Item No
	Council notes the involvement of the Burdekin Shire Youth Council in the successful running of the 2023 NQ Fast Track Talent Showcase event held on 18 March 2023.	3
	Council notes the involvement of the Burdekin Shire Youth Council in the successful running of the Youth Pool Party and Pop-Up Youth Consultation held as part of Qld Youth Week on 13 April 2023.	4
	Council notes the proposed involvement of the Burdekin Shire Youth Council in the upcoming Sweet Days, Hot Nights Festival.	5

4.4. MINUTES AND BUSINESS ARISING

Audit Committee Meeting Minutes - 3 May 2023

File Reference: 388

Report Author: Jodie Ordorica, Governance Support Officer

Authoriser: Nick OConnor, Director Corporate and Community Services

Meeting Date: 23 May 2023

Purpose

This report provides the Minutes of the Audit Committee Meeting held on 3 May 2023.

Summary of recommendations and actions for consideration and adoption:

Item 3 Minutes from the previous Audit Committee Meeting

That the minutes from the previous meeting be formally adopted by the Committee.

Item 4.1 Shell Financial Statement and Points of Note

That the 2023 Shell Financial Statements and Points of Note be endorsed by the Committee.

Item 5.1 Preliminary Infrastructure Valuation Summary Report

That the Committee noted the Preliminary Infrastructure Valuation Summary Report 2023.

Item 6.1 Investment Policy

That the Investment Policy be endorsed by the Committee and presented to Council for formal adoption.

Item 7.1 QAO Briefing Paper

That the Committee noted the QAO Briefing Paper.

Item 7.2 2023 Crowe Horwath External Audit Plan

That the Committee endorsed the 2023 External Audit Plan.

Item 8.1 Internal Audit Reports - Fuel Management and Fleet Management

That the Committee accepts the Fuel Management and Fleet Management Audit Reports and Agreed Management Action Delivery Dates.

Item 9.1 Presentation of Risk Management Committee Meeting Minutes

That the Committee noted the Risk Management Committee Meeting Minutes held on 19 April 2023.

Item 9.2 JLT Cybersecurity Controls Review Report

That the Committee noted the Top Cyber-Security Controls Review briefing paper and associated recommendations.

Item 9.3 Strategic Risk Register Review

That the Committee endorse the Strategic Risk Register Annual Review 2023.

Item 9.4 Fraud and Corruption Risk Register

That the Committee noted the Fraud and Corruption Risk Register Report.

Item 9.5 Internal and External Audits - Agreed Management Action Items

That the Committee accepts the Agreed Management Action Item Status Report and endorse the amended due dates.

Item 10 Adoption of Audit Committee Charter

That the Committee commend the Audit Committee Charter to Council for adoption.

Recommendation

That:

1. the minutes of the Audit Committee meeting held on 3 May 2023 be noted; and
2. the recommendations as detailed in the minutes and summarised in Items 3 to 10 above be adopted.

Attachments

1. Minutes - Audit Committee Meeting - 3 May 2023

Meeting Minutes

Meeting	Audit Committee Meeting		
Date	Wednesday, 3 May 2023	Time	9:00 am
Attendees	Mr. David Sibley – Independent Chairperson Mr. Jim Fahey – Independent Professional Member Mr. Jim Nuttall – Independent Community Member Ms. Ashita Lal – Audit Manager - Queensland Audit Office (via Teams) Ms. Donna Sinanian – External Auditor and Partner – Crowe Ms. Cynthia Lafano – (Crowe) Mr. Mitchell Witt – Senior Manager BDO (Risk Advisory) Cr. Sue Perry - Councillor Cr. Michael Detenon – Councillor Mr. Terry Brennan – Chief Executive Officer Mr. Nick O'Connor – Director Corporate and Community Services Mrs. Kim Olsen – Manager Financial and Administrative Services Mrs. Kathy Cortabitarte – Financial Accountant Systems Mr. Kevin Byers – Manager Technical Services (For part) Mrs. Rebecca Stockdale – Senior Governance Officer Mrs. Eileen Devescovi – Manager Client Services (Guest) Mr. Dirk Dabelstein – ICT Coordinator (Guest)		
Apologies	Cr. Lyn McLaughlin – Mayor Mr. Nick Wellwood – Director Infrastructure Planning and Environmental Services		
Chairperson	Mr. David Sibley – Independent Chairperson		
Minutes Clerk	Mrs. Jodie Ordorica – Governance Support Officer		
Location	John Drysdale Chambers		

Minutes

1. Welcome

Mr. Sibley welcomed all attendees.

2. Apologies

Mr. Sibley acknowledged the apologies that were received for the meeting.

3. Minutes of the Audit Committee Meeting held on 8 February 2023

Minutes of the previous Audit Committee Meeting held on 8 February 2023 were circulated to Committee members prior to the meeting.

Moved Mr. Fahey, seconded Cr. Detenon that the minutes from the previous meeting be formally adopted by the Committee. Carried.

4. Financial Reporting

4.1 Shell Financial Statements and Points of Note

The 2023 Shell Financial Statements and Points of Note were circulated to the Committee prior to the meeting. Mrs. Cortabitarte briefed the committee on the shell statements and the key differences in the appearance and formatting of the statements due to the implementation of new financial reporting software. The statements were reviewed by the Committee in accordance with the Points of Note.

The Shell Financial Statements will be reviewed by the Auditors (QAO) when they are onsite 22 May 2023, and their comments will be incorporated into the final Financial Statements.

Moved Mr. Sibley, seconded Cr. Perry that the 2023 Shell Financial Statements and Points of Note be endorsed by the Committee. Carried.

5. Infrastructure Assets

5.1 Draft – Preliminary Valuation Summary Report

Mr. Byers presented the Preliminary Infrastructure Valuation Summary Report 2023.

Valuations of infrastructure assets are currently in progress with the completion of most classes by 4 May and Transport by 31 May 2023.

Mr Byers highlighted a notable variation in unit rates affecting the gross value for the Transport, and Stormwater Drainage asset class from 2.50% to 23.24% and 18.92% respectively, due largely to increased cost of material including bitumen products (increasing by 25%) and reinforced concrete pipes (increasing by between 12% and 38% depending on size).

A unit rate review completed by Council officers resulted in an overall variation lower than the March 2023 PPI and the index provided by JLL (Jones Lang LaSalle). This was primarily due to a minor reduction in some PVC pipe materials (-1.00%). These material costs were confirmed from actual costs and supplier quotes.

The final 2023 Asset Valuation Report will be completed by mid-June with a final review to 30 June 2023 to be completed in July.

The Committee noted the Preliminary Valuation Summary Report 2023.

Mr. Byers left the meeting.

6. Financial Assets

6.1 Investment Policy

Mrs. Olsen presented the Investment Policy to the Committee for formal endorsement prior to being adopted by Council with the 2023/2024 Budget. The policy has been reviewed in accordance with the policy review cycle and no changes are proposed.

Moved Cr. Perry, seconded Mr. Detenon that the Investment Policy be endorsed by the Committee and presented to Council for formal adoption. Carried.

7. QAO/External Audit

7.1 Emerging issues and reports to Parliament

Ms. Lal provided an overview of the QAO Briefing Paper circulated to the Committee ahead of the meeting.

QAO's forward work plan for 2022-25 is now available and includes 8 focus areas for the coming year:

- Technology risk and opportunities
- Sustainable environment and climate change
- COVID-19 recovery
- Governance of government
- Healthy and safe Queenslanders
- Infrastructure investment
- State savings and debt
- Sustainable communities.

The *Improving asset management in local government* audit is in the reporting phase and will likely be tabled in June 2023. Other reports to parliament that may be of further interest are:

- Queensland's regions 2022 – Likely tabling: June 2023
- Planning for Queensland's long-term infrastructure investment and Responding to and recovering from cyber security incidents – Likely tabling: to be determined

QAO intends to publish the *Forward work plan 2023-26* in May 2023.

Mr. Sibley advised he had attended the QAO briefing held for audit committee chairs on 2 May 2023. Mr. Sibley has forwarded the report to Mrs. Stockdale for distribution.

Three focus points from the report are:

1. Sustainability reporting,
2. Cyber security,
3. QAO expanding into performance reporting.

The Committee noted the QAO Briefing Paper.

7.2 Review Crowe Horwath external audit plan including audit timetable and audit fee

Ms. Sinanian advised the 2023 External Audit Plan is complete and details the agreed audit milestones and fees.

The audit plan's focus areas haven't changed from the previous year being Valuation of infrastructure assets and Provision for tip restoration, with the addition of Cyber security due to the continuing critical risk to organisations.

There were no unresolved internal control or financial reporting issues at the conclusion of the prior year audit, therefore, no outstanding audit matters are included in the plan.

Mrs Sinanian advised that there are not any foreseeable issues preventing the completion of audit milestones at this time and activities have been tracking according to schedule. Mrs Sinanian noted one key accounting issue that will require resolution this year – Provision for tip restoration.

The Committee endorsed the 2023 External Audit Plan.

7.3 Consider need for closed session briefing with Crowe/QAO (excluding management and internal audit)

The Committee considered the need for a closed session briefing with Crowe and QAO.

The Committee agreed that no closed session briefing was required.

8. Internal Audit

8.1 Internal Audit Reports – Fuel Management and Fleet Management

Mr. Witt provided the committee with a brief overview of the process undertaken to complete the Fuel Management Internal Audit and the Fleet Management Internal Audit. Mr. Witt advised that the two audits were conducted in conjunction with each other due to the crossover in scope. Field work for the audits was carried out in April 2023 and following consultation with management the reports were circulated to the Committee prior to the meeting.

Mr. Witt advised that both audits found that generally the current control environments were sound, having consideration for the age and condition of Council's bulk fuel assets.

Fuel Management Audit

The review identified eight favourable observations and three opportunities for improvement being:

- Finding 1 - Council do not maintain a defined fuel management policy or operational standard
- Finding 2 - Fuel infrastructure has reached its end-of-life date
- Finding 3 - Broad lack of data inputs, integrity and utilisation across the end-to-end fuel management process

Mr. O'Connor explained management had proposed extended timeframes for completion of some of the management action items due to the planned update/replacement of the bulk fuel infrastructure. He advised that Council will be better placed to develop Operational Standards and configure fuel consumption reporting following the procurement and implementation of the new fuel infrastructure and associated software which will allow for better data analytics.

Mr. O'Connor advised that it is expected that the implementation of the agreed management action items will not create an additional cost burden on Council as the replacement of the fuel infrastructure had already been included in Council's budget.

Fleet Management Audit

Mr. Witt advised the control environment for fleet management is dependent on key resources and key personnel that are focussed on optimising fleet assets across Council.

The review identified six favourable observations and three opportunities for improvement being:

- Finding 1 - Council do not maintain a defined fleet management strategy
- Finding 2 - Fleet utilisation and monitoring
- Finding 3 - Appropriate cost allocation/re-allocation within Council

Mr. Witt advised that due to the supply chain issues of plant and vehicles, some Councils are weighing up the budget implications of extending the life of vehicles but not increasing maintenance costs.

Moved Mr. Sibley and seconded Mr. Fahey that the Committee accepts the Fuel Management and Fleet Management Audit Reports and Agreed Management Action Delivery Dates.

Mrs. Devescovi and Mr. Dabelstein entered the meeting.

9. Management Updates

9.1 Presentation of Risk Management Committee Meeting Minutes held on 19 April 2023

Minutes of the Risk Management Committee Meeting minutes held on 19 April 2023 were circulated to Committee members prior to the meeting.

Mr Brennan briefed the committee on the topics covered in the Risk Management Committee meeting.

The minutes of the Risk Management Committee Meetings held on 19 April 2023 were noted by the Committee.

9.2 JLT Cybersecurity Controls Review Report

Mr. O'Connor explained Council undertook the JLT Risk Solutions Pty Ltd Cyber Liability renewal questionnaire in 2022 and following completion of the questionnaire, LGM Liability provided Council with their Cyber Security Controls Review 2022 report.

Mrs. Devescovi advised the committee that after receiving the report workshops were held with key Council personnel to address the findings and recommendations from the report and identify appropriate actions to be implemented in the current financial year and consider actions that will require budget allocation in the next financial year.

Mr. Dabelstein provided a report outlining the officers' recommendations in response to the 2022 JLT Cybersecurity Controls Review. The report outlined a series of initiatives to be undertaken over the 22/23 and 23/24 financial years that will progress Council's cyber security controls.

It was acknowledged that emails and human error is a very high area of risk, and a training strategy has been developed and is awaiting budget allocation and approval.

The Committee noted the Top Cyber-Security Controls Review briefing paper and associated recommendations.

Mrs. Devescovi and Mr. Dabelstein left the meeting.

9.3 Strategic Risk Register Review

Mrs. Stockdale updated the committee on the process undertaken for the annual review of Council's Strategic Risk Register. A briefing paper was circulated to the Committee ahead of the meeting.

The Strategic Risk Register as at 21 April 2023 was reviewed by the committee with the following recommendation for Risk 235 - Breach of Council's Corporate Systems due to ineffective cyber security controls:

- This risk is currently rated Medium and in response to the JLT Cybersecurity Controls Review, it was recommended to review this rating and give consideration to increasing the risk rating.

Moved Cr. Detenon and seconded Mr. Fahey that the Committee endorse the Strategic Risk Register Annual Review 2023.

9.4 Fraud and Corruption Risk Register

Mrs. Stockdale provided a briefing on the Fraud and Corruption Control Briefing Paper which was circulated to the Committee ahead of the meeting.

The Fraud and Corruption Control Plan 2022/2025 was reviewed and adopted in May 2022 and Mrs. Stockdale provided a summary of the recent and future prevention activities and ongoing monitoring.

The Committee noted the Fraud and Corruption Risk Register Report.

9.5 Progress Report on Implementation of Agreed Management Action Items from Internal and External Audits

Mr. Stockdale provided an overview of the outstanding internal audit agreed management action items. A number of agreed management action items have now been completed, and the following overdue tasks are requesting an extension.

Audit No 6: OCM - ICT General Controls - January 2020

- Due to ICT relying on cooperation from other areas an extension to 30 June 2023 has been requested.

Audit No: 10 - BDO- Customer Request Management January 2023

- Implementation is currently in progress and an extension to 20 June 2023 has been requested.

Moved Cr. Perry, seconded Mr. Fahey, that the Committee accept the Agreed Management Action Item Status Report and endorse the amended due dates.

10. Adoption of Audit Committee Charter

The Audit Committee Charter was presented to the Audit Committee meeting on 8 February 2023. The committee had requested that the Risk Management section be reviewed. This review was undertaken, and minor amendments were discussed with the Audit Committee Chair ahead of the meeting. The revised Audit Committee Charter was-presented to the Committee for endorsement.

Moved Mr. Sibley, seconded Mr. Detenon that the Committee commend the Audit Committee Charter to Council for adoption.

11. General Business

11.1 General Business

Mr. Brennan provided an overview of current major projects:

- Ayr Water Supply Project is complete and operational.
- Water Park Project at the Ayr Pool is open and operational – opened in early February and is quite popular. The Water park is controlled by the pool lessees. The new kiosk and entrance are currently under construction in Macmillan Street at the back of the pool. This is a federally funded project and completion is expected early July. Council is upgrading Macmillan Street associated with this project and completion is expected early in the new financial year.
- Macro Algae Project has commenced construction of the earthworks pad which was delayed by weather earlier this year.
- Ayr Industrial Estate Expansion Project is planned to commence earthworks in the new financial year when the Macro Algae Project earthworks is complete.

Mr. Brennan provided a confidential update to the Audit Committee regarding Council's water supply infrastructure in Ayr.

Cr. Perry, from a Council perspective, discussed the budget workshops that have been held over the last few months and the very thorough discussions occurring around the budget and the hope that the community will be aware and accepting of the increased operating costs.

There being no further business, the meeting closed at 10.30 am

The next meeting will be held on Wednesday, 14 June 2023.

Mr. David Sibley

Chairman

Agreed Recommendations to Council

3	That the minutes from the previous meeting be formally adopted by the Committee.
4.1	That the 2023 Shell Financial Statements and Points of Note be endorsed by the Committee.
5.1	That the Committee noted the Preliminary Infrastructure Valuation Summary Report 2023
6.1	That the Investment Policy be endorsed by the Committee and presented to Council for formal adoption.
7.1	That the Committee noted the QAO Briefing Paper.
7.2	That the Committee endorsed the 2023 External Audit Plan.
8.1	That the Committee accepts the Fuel Management and Fleet Management Audit Reports and Agreed Management Action Delivery Dates
9.1	That the Committee noted the Risk Management Committee Meeting Minutes held on 19 April 2023
9.2	That the Committee noted the Top Cyber-Security Controls Review briefing paper and associated recommendations.
9.3	That the Committee endorse the Strategic Risk Register Annual Review 2023.
9.4	That the Committee noted the Fraud and Corruption Risk Register Report.
9.5	That the Committee accepts the Agreed Management Action Item Status Report and endorse the amended due dates
10	That the Committee commend the Audit Committee Charter to Council for adoption.

4.5. MINUTES AND BUSINESS ARISING

Community Grants Panel Meeting Minutes - Round 4 - 3 May 2023

File Reference: 1574

Report Author: Tammy Quagliata, Community Development Support Officer

Authoriser: Tony Blackwell, Manager Community Services

Meeting Date: 23 May 2023

Purpose

This report provides the Minutes of the Community Grants Panel Meeting held on 3 May 2023

Summary of recommendations and actions for consideration and adoption:

Item 1 – Consideration of Grants Applications Round 4 – 2022/2023 Financial Year

No.	Applicant	Recommended Cash Funding	Recommended In-kind Support
1.1	Ayr Pastoral Agricultural & Industrial Assoc.	\$4,000.00	
1.2	Burdekin BMX Club (Application Withdrawn)		
1.3	Burdekin Canine Club	\$1,667.00	\$440.00
1.4	Ayr Tennis Association		\$260.00
1.5	Burdekin Netball Association Inc.	\$1,500.00	
1.6	Burdekin Junior Eisteddfod	\$1,875.00	
1.7	Burdekin Artisan Community Association	\$1,000.00	
1.8	Giru Daycare Association	\$500.00	
1.9	Burdekin Art Society	NIL	
1.10	LifeFlight	NIL	
1.11	Burdekin Football Inc	NIL	

Recommendation

That:

1. the minutes of the Community Grants Panel Meeting held on 3 May 2023 be noted, and;
2. it be noted that the remaining cash funds for Community Grants Panel for the 2022/2023 Financial Year prior to Round 4 is \$6,542.00 and;
3. the recommended funding as detailed in the minutes and noted in Item 1.1 – 1.11 be adopted and;
4. it be noted that the remaining cash funds available for the 2022/2023 Financial Year after the allocation from Round 4 will be NIL.

Attachments

1. Round 4 - Meeting Minutes - Community Grants Panel - 3 May 2023

Meeting Minutes

Meeting	Community Grants Panel Meeting		
Date	Wednesday, 3 May 2023	Time	3.00pm
Attendees	Cr Lyn McLaughlin, Janice Horan, Kiera Durrant, Tony Blackwell		
Apologies	Cr Max Musumeci, Cr. Sue Perry, Wayne Saldumbide		
Chairperson	Tony Blackwell		
Minutes Clerk	Tammy Quagliata		
Location	John Drysdale Chamber		

Agenda Items

- The following remaining funds for Community Grants 2022/23 were noted:

Cash funds remaining - \$6542.00 (Round 4 applications total \$26, 247.00)

In-kind support funds remaining - \$15,355.00 (Round 4 applications total \$6,890)

- Consideration of Grant Application for Round 4 of 2022/2023 Financial Year requested as below: -

No.	Applicant	Project	Requested Cash Funding	Requested In-kind Support	Recommended Cash Funding	Recommended In-kind Support
1.1	Ayr Pastoral Agricultural & Industrial Assoc.	2023 Burdekin Shire		\$4000.00		\$4000.00
	<i>Comments:</i>					
1.2	Burdekin BMX Club Inc	Burdekin Cup		\$530.00		\$530.00
	<i>Comments: \$530.00 In Kind Support recommended however since advised that this carnival would no longer be going ahead.</i>					
1.3	Burdekin Canine Club	Burdekin Canine Club Championship Show	\$4362.00	\$440.00	\$1667.00	\$440.00
	<i>Comments:</i>					
1.4	Ayr Tennis Association	Burdekin Sugar Bowl	\$5000.00	\$260.00	NIL	\$260.00
	<i>Comments: Application was incomplete. Feedback to be provided and encourage Ayr Tennis Association to reapply for following round of funding</i>					
1.5	Burdekin Netball Association Inc	2023 Burdekin Junior Netball Carnival	\$1500.00		\$1500.00	
	<i>Comments: \$720 in-kind support approved in Round 3, Cash application of \$3000 was unsuccessful in Round 3. Burdekin Netball Association Inc re-applied for a lesser cash amount this round.</i>					
	<i>Cr. Lyn McLaughlin declared and interest for this application and left the room.</i>					
1.6	Burdekin Junior Eisteddfod	39 th Burdekin Junior Eisteddfod	\$4000.00		\$1875.00	
	<i>Comments:</i>					

1.7	Burdekin Artisan Community Association Inc	Burdekin Rags to Runway	\$2500.00		\$1000.00	
	<i>Comments:</i>					
1.8	Giru Daycare Association	Burdekin Rock & Roll Dance	\$2500.00		\$500.00	
	<i>Comments:</i>					
1.9	Burdekin Art Society	Annual Art Exhibition	\$2000.00		NIL	
	<i>Comments: Burdekin Art Society to be encouraged to reapply for funding in next round due to limited funds available this round.</i>					
1.10	LifeFlight	Community Trauma Training Workshops	\$4,385.00		NIL	
	<i>Comments:</i>					
1.11	Burdekin Football Inc	50 th Anniversary Celebrations	\$5000.00		NIL	
	<i>Comments: Burdekin Football Inc to be encouraged to reapply for funding in next round due to limited funds available this round.</i>					
	Cr. Lyn McLaughlin & Kiera Durrant declared an interest for this application and left the room.					

3. Noted that the total cash funds available for Community Grants program for 2022/2023 Financial Year was \$51,184.00 and the total in-kind for Community Grants program 2022-2023 Financial Year was \$37,700.00
4. Noted that the total cash funds remaining for Community Grants program for 2022/2023 Financial Year following Round 4 will be NIL.
5. Noted that the total in-kind funds remaining for Community Grants program for 2022/2023 Financial Year following this round will be \$10,661.00.

There being no further business, meeting adjourned at 4.30pm.

6.1.1. CLIENT SERVICES

Bullying, Anti-Discrimination and Sexual Harassment Policy

File Reference: 1884

Report Author: Eileen Devescovi, Manager Client Services

Authoriser: Nick OConnor, Director Corporate and Community Services

Meeting Date: 23 May 2023

Link to Corporate/Operational Plan:

Burdekin Shire Council Operational Plan 2022-2023

HR3 Manage Council's human resources functions including employee relations, compliance, compensation and benefits, and all other employee-related matters.

Executive Summary

A full review of the Bullying, Anti-Discrimination and Sexual Harassment Policy has been undertaken by Peak Services Pty Ltd and the Senior Leadership Group. This policy has had minor changes to align better with legislation and provide a clearer understanding of the terminology used in the policy.

Recommendation

That the Bullying, Anti-Discrimination and Sexual Harassment Policy be received and adopted by Council.

Background

The purpose of this Policy is to outline Council's commitment to a safe workplace where employees and others in the workplace are treated fairly and with respect.

It identifies the types of behaviour that constitutes bullying, discrimination and sexual harassment, makes a clear statement that this conduct is not acceptable and will not be tolerated, outlines what Council will do to minimise the risk of the conduct occurring, provides a transparent complaint process and advises employees of their obligations and responsibilities.

Adoption of the policy is a tangible sign that Council is committed to its employee values.

Consultation

The Draft Policy has been discussed with the Senior Leadership Group and endorsed by the Executive Leadership Team. This policy also went to a Council workshop on 16 May 2023.

Budget & Resource Implications

Not Applicable.

Legal Authority & Implications

Age Discrimination Act 2004
Anti-Discrimination Act 1991
Australian Human Rights Commission Act 1986
Disability Discrimination Act 1992
Industrial Relations Act 2016
Local Government Act 2009
Local Government Regulation 2012
Public Sector Ethics Act 1994
Racial Discrimination Act 1984
Sex Discrimination Act 1984
Workplace Health and Safety Act 2011

Policy Implications

The attached Policy replaces the old Bullying, Anti-Discrimination and Sexual Harassment Policy and will be included in Council's Policy register and published to Council's website.

Risk Implications (Strategic, Operational, Project Risks)

This Policy provides a strong framework for acceptable behaviour in the workplace. It manages the risk of inappropriate behaviour by clearly outlining Council's position on Bullying, Anti-Discrimination and Sexual Harassment.

Attachments

1. Bullying, Anti-Discrimination and Sexual Harassment Policy

Policy Type	Corporate
Function	Personnel
Policy Owner	Manager Client Services
Policy Contact	Human Resources Coordinator
Effective Date	9 February 2021

Purpose

The purpose of this policy is to:

- outline Council's commitment to a safe workplace where employees and others in the workplace are treated fairly and with respect;
- ensure, so far as reasonably practicable, that employees are not subjected to bullying, discrimination, vilification, victimisation, or sexual harassment while at work;
- detail the legal responsibilities of Council and employees in relation to bullying, discrimination, vilification, victimisation, and sexual harassment in the workplace; and
- outline the strategies Council will implement to minimise the risk of bullying, discrimination, vilification, victimisation, and sexual harassment in the workplace.

Scope

This policy covers all employees of Council and all persons performing work at the direction of, in connection with, or on behalf of the Council (for example contractors, subcontractors, agents, consultants, volunteers) (collectively referred to as "workplace participants").

This policy extends to all functions and places that are work related for example, work lunches, conferences, training courses, library and cultural activities, Christmas parties and client/customer functions.

This policy does not form part of any employee's employment contract with Council and should be read separately.

Exceptions

Nil.

Policy Statement

Workplace Bullying

Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers, that creates a risk to health and safety. It is a risk to health and safety because it may affect the physical and/or psychological health of workers.

'Repeated behaviour' refers to the persistent nature of the behaviour and refers to behaviour on more than one occasion and/or over a period of time.

'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine, or threaten another person.

Bullying behaviour can take many different forms, from the obvious (direct) to the subtle (indirect). The following are examples of both direct and indirect bullying:

- Direct Bullying:
 - abusive, insulting, or offensive language;
 - spreading misinformation or malicious rumours;
 - behaviour or language that frightens, humiliates, belittles, or degrades, including over criticising, or criticism that is delivered with yelling or screaming;
 - displaying of offensive material;
 - inappropriate comments about a person's appearance, lifestyle, their family or sexual preferences;
 - teasing or regularly making someone the brunt of pranks or practical jokes;
 - interfering with a person's personal property or work equipment; or
 - harmful or offensive initiation practices.
- Indirect Bullying:
 - unreasonably overloading a person with work, or not providing enough work;
 - setting timeframes that are unreasonably difficult to achieve, or constantly changing them;
 - setting tasks that are unreasonably below, or above, a person's skill level;
 - deliberately excluding or isolating a person from normal work activities;
 - withholding information that is necessary for effective work performance;
 - deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it may still constitute a breach of Council's Code of Conduct and should not be ignored.

A person's intention is irrelevant. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine, or threaten a person, actually have that effect. Bullying in the workplace is harmful not only to the person subjected to the behaviour but also to Council's culture and reputation. It is unacceptable and will not be tolerated.

Reasonable management of staff does not constitute bullying. Supervisors have the right and are obliged to manage staffs work, performance and conduct. This includes directing the way in which work is performed, undertaking performance reviews, and providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management action include:

- setting reasonable performance goals, standards, and deadlines in consultation with workers and after considering their respective skills and experience;
- allocating work, rostering, and allocating working hours;
- transferring a worker for legitimate and explained operational reasons;
- deciding not to select a worker for a vacant position, following a fair and documented process;
- informing a worker about unsatisfactory work performance in a constructive way and in accordance with workplace policies / operational standards or agreements;
- informing a worker about inappropriate behaviour in an objective and confidential way;
- implementing organisational changes or restructuring;
- performance management; and
- disciplinary processes.

Discrimination

Discrimination occurs when a person is treated less favourably because of an identified attribute. Legislation (Federal and State laws) prohibits discrimination on the basis of a number of identified attributes, include the following:

- race (including colour, nationality, descent, ethnic, ethno-religious or national origin);
- religious belief or activity;
- gender;

- marital status, relationship status;
- pregnancy (including potential pregnancy);
- sexuality, sexual preference, lawful sexual activity, gender identity;
- carers' responsibilities, family responsibilities, carer, or parental status;
- disability or impairment, including physical, mental, and intellectual disability;
- breastfeeding;
- age;
- industrial/trade union membership, non-membership, or activity;
- political belief or activity; and
- association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited).

Discrimination can be direct or indirect. Direct discrimination occurs when a person with an identified attribute (such as their race, sex, or pregnancy) is treated less favourably than a person without that attribute, in the same or similar circumstances.

Indirect discrimination occurs when an unreasonable policy or condition, which applies to everyone, has an unfair impact on a person or group of persons because of a certain attribute.

Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group of persons, on the grounds of race, religion, sexuality or gender identity of the person or members of the group.

Vilification is different to discrimination. Vilification involves someone expressing hatred, disrespect, or ridicule for a person because of an attribute, and encouraging other people to think and do the same.

Vilification can be considered a criminal offence where there is a threat of harm to someone or to their property, or urging harm to a person or their property. Where such conduct occurs, Council may report the conduct to the Queensland Police, as well as take action in accordance with this policy, associated policies and legislation.

Victimisation

Victimisation, under the *Anti-Discrimination Act 1991*, is where a person has caused or threatened a detriment to someone because they:

- Refused to do something that would contravene any anti-discrimination laws;
- Complained, or intends to complain, about something that would contravene anti-discrimination laws;
- Are or have been involved in a proceeding under the *Anti-Discrimination Act 1991*, including as a witness, or supplying information to the Commission or tribunal; or
- Are believed to have done or intend to do any of the above.

Detriment means loss, damage, or injury to the person. It must be real and not trivial, and something that a reasonable person would consider to be a detriment.

Council also defines victimisation as retaliation against a person or subjecting a person to a detriment because they have:

- lodged a complaint;
- intend to lodge a complaint; or
- are involved in a complaint or have participated in an investigation or other workplace process.

Victimisation in the workplace will not be tolerated by Council and may be considered unlawful in accordance with the *Anti-Discrimination Act 1991*.

Sexual Harassment

Sexual harassment is unwanted or unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated, or intimidated. It does not need to be repeated or ongoing. Sexual harassment is considered misconduct, in accordance with the *Industrial Relations Act 2016*.

Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate, or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate, or intimidate the other person.

Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

Examples of sexual harassment include, but are not limited to:

- physical contact such as pinching, touching, grabbing, kissing, or hugging;
- staring or leering at a person or at parts of their body;
- sexual jokes or comments;
- requests for sexual favours;
- persistent requests to go out/date, where they are refused;
- sexually explicit conversations;
- displays of offensive material such as posters, screen savers, internet material etc;
- accessing or downloading sexually explicit material from the internet;
- suggestive comments about a person's body or appearance;
- sending rude or offensive emails, attachments, or text messages.

Council Responsibilities

In accordance with the *Work Health and Safety Act 2011* Council is obligated to minimise, as far as is reasonably practicable, the risks to workers health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying, victimisation, vilification, discrimination, and sexual harassment.

Workplace participants are also obligated under the *Work Health and Safety Act 2011* to take reasonable care for their own health and safety, as well as that of others in the workplace and comply with any reasonable instruction given by Council.

Council and workplace participants are also responsible for complying with other laws that govern the workplace, including, but not limited to, those list in the 'Legislation' section of this policy.

Complaint Handling Procedure

If a workplace participant feels that they or another worker have been subjected to any form of unlawful conduct contrary to this policy, they should not ignore it. Council has a complaint procedure for dealing with these issues. (BSC Bullying/Discrimination/Sexual Harassment Complaint Handling Operational Standard). The complaint procedure has numerous options available to suit the particular circumstances of each individual situation.

Council will support workplace participants who make a bullying, discrimination, vilification, sexual harassment, and victimisation complaint. However, workplace participants must not make a false complaint or a complaint in bad faith. If a person makes an unfounded complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be subjected to disciplinary action and may be exposed to a defamation claim.

Employee Obligations

Supervisors have a key role in the prevention of workplace bullying, discrimination, vilification, victimisation, and sexual harassment and must:

- not bully, discriminate, vilify, or sexually harass workplace participants or aid; abet or encourage other persons to engage in such behaviour;
- act promptly and appropriately if they observe bullying, discrimination, vilification, victimisation, or sexual harassment behaviours;
- ensure all workplace participants who report to them are aware and understand this policy and their responsibility to comply with it, including to report any bullying, discrimination, vilification, victimisation, or sexual harassment behaviour;
- ensure all staff who report to them are aware and understand the complaint procedures;
- act promptly if a complaint is made. If this is not possible, or its inappropriate, inform Human Resources as soon as possible;
- be aware that employees can be held legally responsible for such unlawful conduct.

All workplace participants must:

- understand and comply with this policy;
- not engage in any conduct which may constitute bullying, discrimination, vilification, victimisation or sexual harassment towards other workers, customers/clients, or others whom they come into contact through work;
- ensure they do not aid, abet, or encourage other persons to engage in bullying, discrimination, vilification, victimisation, or sexual harassment behaviour;
- report any bullying, discrimination, vilification, or sexual harassment in the workplace in accordance with this policy;
- follow Council's complaint procedure if they experience bullying, discrimination, vilification, victimisation, or sexual harassment;
- maintain confidentiality if they are involved in a complaint/incident;
- be aware that employees can be held legally responsible for such unlawful conduct;
- be aware that workplace participants who aid, abet or encourage other persons to engage in such unlawful conduct can also be legally liable.

Breach of the Policy

All workplace participants are required to comply with this policy at all times. If an employee breaches this policy, they may be subject to disciplinary action which may include termination of employment.

Agents, volunteers, and contractors (including temporary contractors) who are found to have breached this policy may have their contracts with Council terminated or not renewed.

More Information

If any workplace participant is unsure about any matter covered by this policy and requires more information, they should seek the assistance of their Supervisors or Human Resources.

They may also wish to seek external advice from the relevant authority such as WorkSafe Queensland or the Queensland Industrial Relations Commission, Australian Human Rights Commission or Anti-Discrimination Commission.

Risk Management

Through the completion of relevant risk assessments, Council will take steps to minimise the risk of bullying, discrimination, vilification, sexual harassment, and victimisation through a risk management process.

The steps will include:

- identification of risk factors - these are matters and situations which could contribute to bullying, discrimination, vilification, sexual harassment, and victimisation;
- assessment of the likelihood of bullying, discrimination, vilification, sexual harassment, and victimisation occurring from the risk factors identified and their potential impact on workers;
- eliminating the risks, as far as reasonably practicable, or controlling, or minimising, them as far as is reasonably practicable;
- reviewing the effectiveness of the control methods put in place; and
- training workers about bullying, discrimination, vilification, sexual harassment, and victimisation.

Legislation

Age Discrimination Act 2004 (Cth)

Anti-Discrimination Act 1991 (Qld)

Australian Human Rights Commission Act 1986 (Cth)

Disability Discrimination Act 1992 (Cth)

Industrial Relations Act 2016 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Public Sector Ethics Act 1994 (Qld)

Racial Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984 (Cth)

Workplace Health and Safety Act 2011 (Qld)

Definitions and Abbreviations

Council means Burdekin Shire Council.

Workplace participants and/or employees includes Council direct employees, contractors, subcontractors, agents, consultants, and volunteers.

Related Documents

Reference Number	Document Title
ECM 1068863	Burdekin Shire Council Code of Conduct for Workers
HRS-OSD-0012	Bullying, Discrimination and Sexual Harassment Complaint Handling Operational Standard

Document History and Version Control

Title of Document	Bullying, Anti-Discrimination and Sexual Harassment Policy
Document Reference Number	HRS-POL-0001 Rev 2
Review Schedule	24 months
Council Meeting Date	9 February 2021
Council Resolution Number	1632055

6.3.1. FINANCIAL AND ADMINISTRATIVE SERVICES

Request for Write off of Water Consumption Charges - Parkside Development Pty Ltd

File Reference: 1061

Report Author: Kim Olsen, Manager Finance and Administrative Services

Authoriser: Nick OConnor, Director Corporate and Community Services

Meeting Date: 23 May 2023

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

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

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2022-2023

R1 Issue timely and accurate rates and charges notices.

Executive Summary

In a letter dated 1 February 2023, Parkside Development Pty Ltd advised they would be withholding payment for water consumption charges shown on 2022/2023 Water Consumption Rate Notice associated to the property that contains Council's Sewerage Pump Station No. 24 located at 21 Gainsborough Drive, Ayr.

The Water Consumption relates to use of pump well sprays in the Sewerage Pump Station by Council Officers.

Councillors have been provided with a detailed briefing on the circumstances that attributed to the water consumption charges.

Recommendation

That Council write off water consumption charges totaling \$10,208.00 as charged on the 2022/2023 Water Consumption Rate Notice for the property located at 521 Gainsborough Drive, Ayr.

Background

Parkside Development Pty. Ltd. has advised they are withholding payment of water consumption charges shown on 2022/2023 Water Consumption Rate Notice for property number 3136. The property is located at 21 Gainsborough Drive, Ayr and contains Council's Sewerage Pump Station No. 24.

A condition of the approval of a staged subdivision in 1993 was for the applicant to build a sewerage pump station. In 1994 the applicant wrote to Council; and Council agreed to pay the direct costs of maintenance and power supply for the pump station during the on-maintenance period, subject to the legal title to the pump station site passing to Council. Legal title has not yet passed to Council and the applicant has been responsible for all rates and charges to date.

During 2022 Council officers turned on pump well sprays in the Sewerage Pump Station to wash down the walls of the pump station. These sprays were left running for an extended period of time resulting in a large water consumption charge.

Consultation

Discussion was undertaken with Councillors at the workshop meeting held on 16 May 2023.

Budget & Resource Implications

A decision to write off the water consumption charges would result in lost revenue of \$10,208.00 in 2022/23. It could potentially create a precedent which could result in lost revenue from like properties.

Legal Authority & Implications

Local Government Act 2009

Local Government Regulation 2012

Policy Implications

The approval to write off water consumption charges could establish a precedent and may result in other requests being received.

Risk Implications (Strategic, Operational, Project Risks)

If Council fails to write off the water consumption charges, there is a risk that it will lead to reputational damage and potential decreased public trust in Council's decision making process.

Attachments

None

6.3.2. FINANCIAL AND ADMINISTRATIVE SERVICES

Six Monthly Rating

File Reference: 1061

Report Author: Kim Olsen, Manager Finance and Administrative Services

Authoriser: Nick OConnor, Director Corporate and Community Services

Meeting Date: 23 May 2023

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

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

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2022-2023

R1 Issue timely and accurate rates and charges notices.

Maximise recovery of overdue rates and charges, in accordance with Council's Rates and Charges

R2 Recovery Policy with an emphasis on more timely follow up action on overdue rates from Reminder Notices through to Sale of Land for Arrears of Rates.

R3 Maintain the property and rating database to ensure a high level of accuracy.

Executive Summary

During 2023/24 budget deliberations Council has been considering the benefits of changing the rate levy period to six-monthly as it is considered this may be beneficial for ratepayers who would receive two (2) smaller rate notices rather than one (1) annual notice.

It is necessary for this decision to be made in sufficient time to enable changes to be made to Council's property and rating system.

Recommendation

That six-monthly rating be implemented for the 2024/25 financial year.

Background

In October 2019 Market Facts (Qld) undertook market research on Council's behalf to gauge community sentiment towards the introduction of six-monthly rating. The informed response to the market research was that 72% of respondents indicated a preference to stay with annual rating.

Since that time, Councillors have been approached by ratepayers indicating their preference to change to a six-monthly rating period.

Data from the 2021/22 Local Government Comparative Data Return undertaken by the Department of State Development, Infrastructure, Local Government and Planning highlights that the majority of Queensland Councils now rate on a six-monthly basis.

During 2023/24 budget deliberations Councillors have expressed their desire to change Council's rate levy period to six-monthly as they consider it would be beneficial for ratepayers to receive two (2) smaller rate notices rather than one (1) annual notice.

It was noted that this change would take effect for the 2024/25 financial year as there was substantial work required to change Council's systems to accommodate the different rating period.

Further discussions will be held with Council throughout the transition period to review policies to reflect the change and consider amendments to payment arrangement and recovery action criteria. Consideration of development of a media/communication strategy will also be required to ensure that ratepayers are adequately informed of the change.

Consultation

Discussion with Councilors during 2023/24 budget workshops.

Budget & Resource Implications

There will be costs associated with changing the programming in Council's property and rating system and print processing to accommodate the change to six-monthly rating. Council may also be exposed to increased bank fees due to the larger volume of transactions and will have additional postage costs. There is likely to be additional exposure to customer interactions and queries by both the Customer Service and Rates Team.

Legal Authority & Implications

Local Government Act 2009

Local Government Regulation 2012

Policy Implications

The following statements/policies will need to be reviewed next financial year prior to implementation:

- Revenue Statement
- Rates and Charges Recovery Policy
- Rates and Charges Hardship Policy

Risk Implications (Strategic, Operational, Project Risks)

Introduction of six-monthly rating should reduce Council's reputational risk as ratepayers will be less likely to compare Council's annual rate notice with another Council's rate notice for a shorter period. There is some risk associated with changing the programming of Council's property and rating system however this risk will be mitigated by extensive testing and by allowing an appropriate timeframe to undertake the project.

Attachments

None

6.3.3. FINANCIAL AND ADMINISTRATIVE SERVICES

Monthly Financial Report - April 2023

Recommendation

That the Monthly Financial Report for Period Ending 30 April 2023 be received.

Attachments

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

Financial Report - April 2023

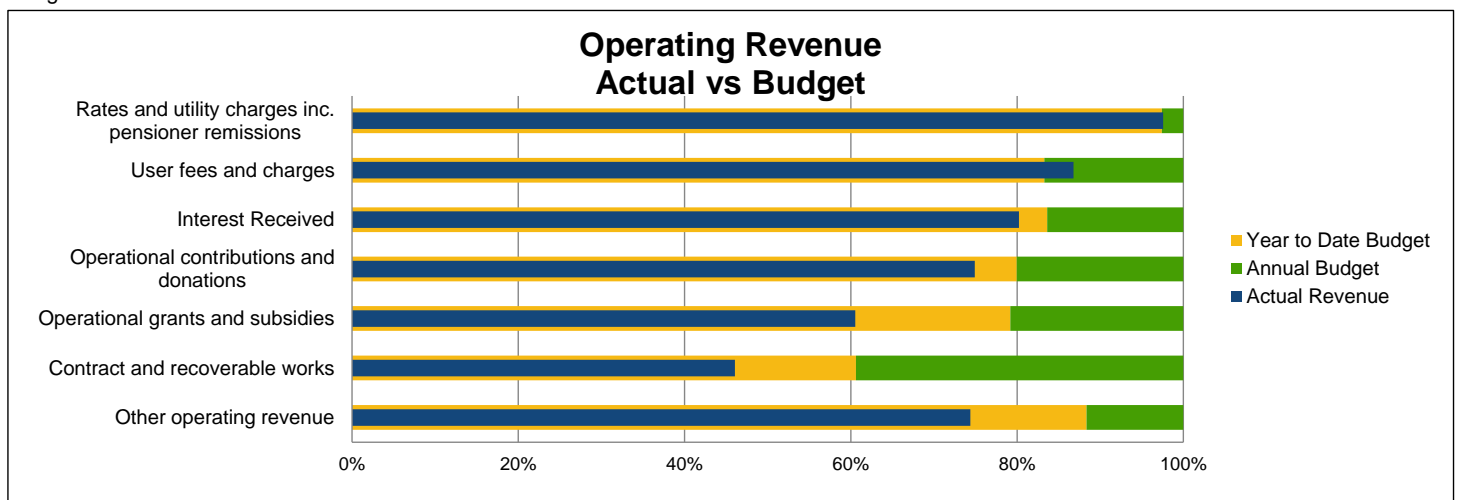
The following report provides a summary of Council's financial performance to 30 April 2023.

FINANCIAL STATEMENTS AT A GLANCE

As at 30 April 2023	Actual \$	Annual Budget \$	YTD Revised Budget \$	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Total Operating Revenue	50,073,046	54,922,540	51,123,622	-1,050,576	-2%
Total Operating Expenses	44,087,048	56,882,473	46,775,514	-2,688,466	-6%
Operating Position	5,985,998	-1,959,933	4,348,108	1,637,890	38%
Capital Revenue	7,479,584	12,233,726	12,233,726	-4,754,142	-39%
Net Result	13,465,582	10,273,793	16,581,834	-3,116,252	-19%

This report contains financial information for the period ending 30 April 2023. Council's operating position at month end is a \$5.9M 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.

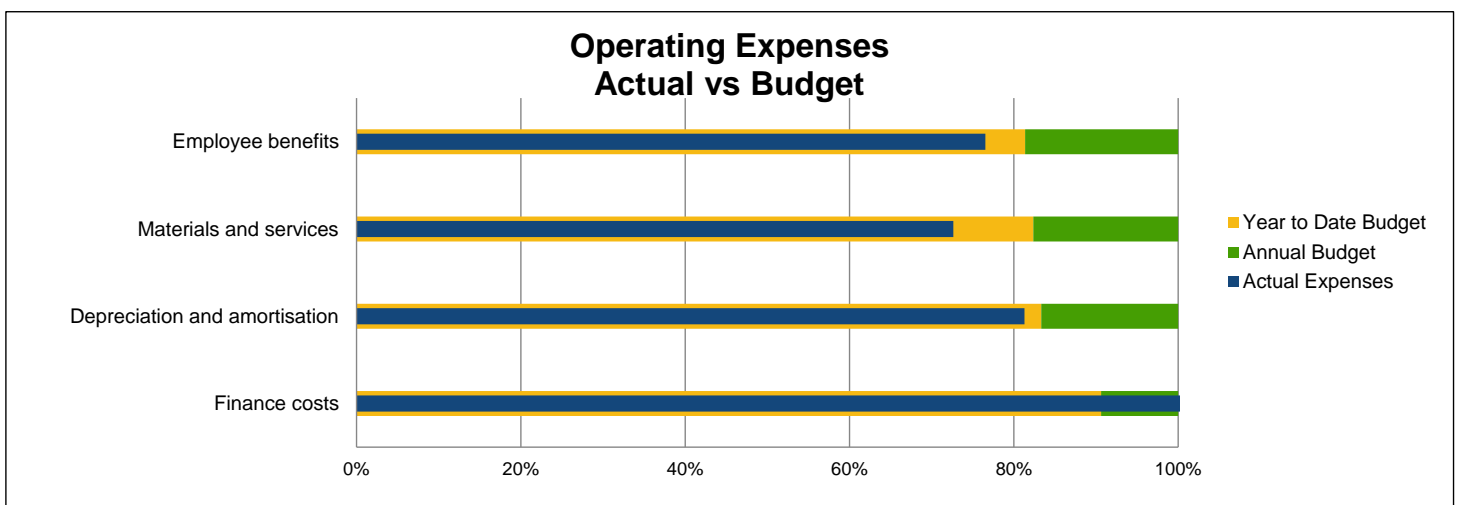


Under Budget:

- 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.



Note: Graph has not been modified to reflect Finance Costs at 857%

Under Budget:

- Materials and services: Major variances are QRA Recoverable works, Land Protection precept payment and recoverable works expenditure as identified in program reports.

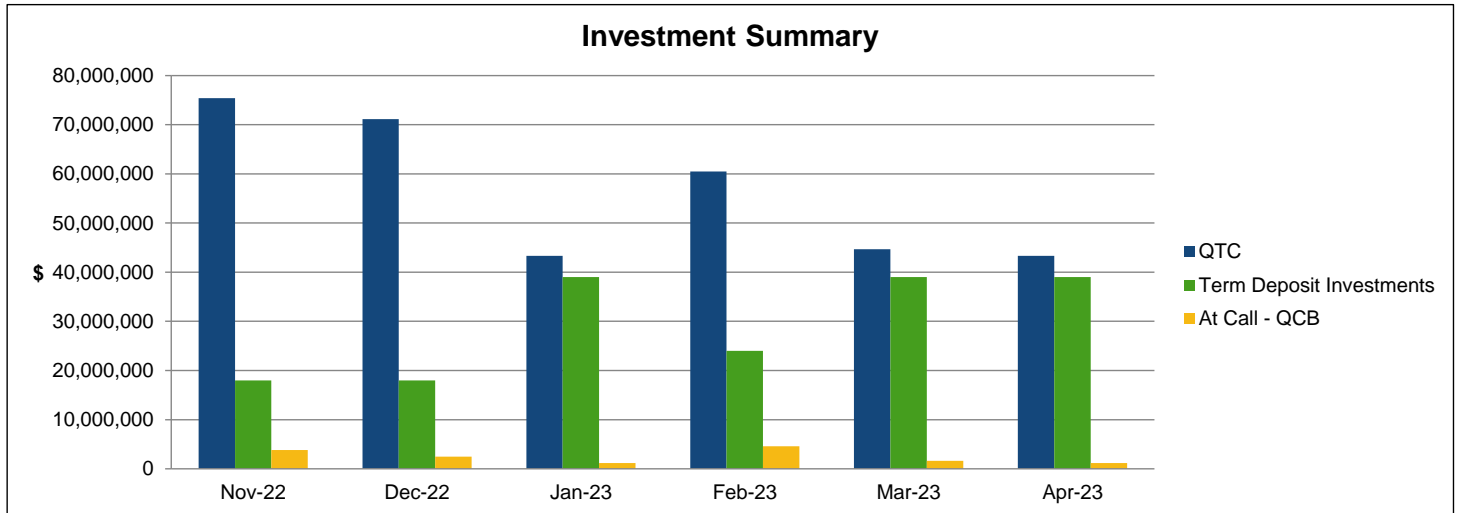
Over Budget:

- Finance costs: included in the restoration provision calculation at the 31 March 2023 is a borrowing cost which represents the discounting used to reflect the passage of time until the sites are remediated. These transactions are not included in the budget estimates.

INVESTMENT PORTFOLIO

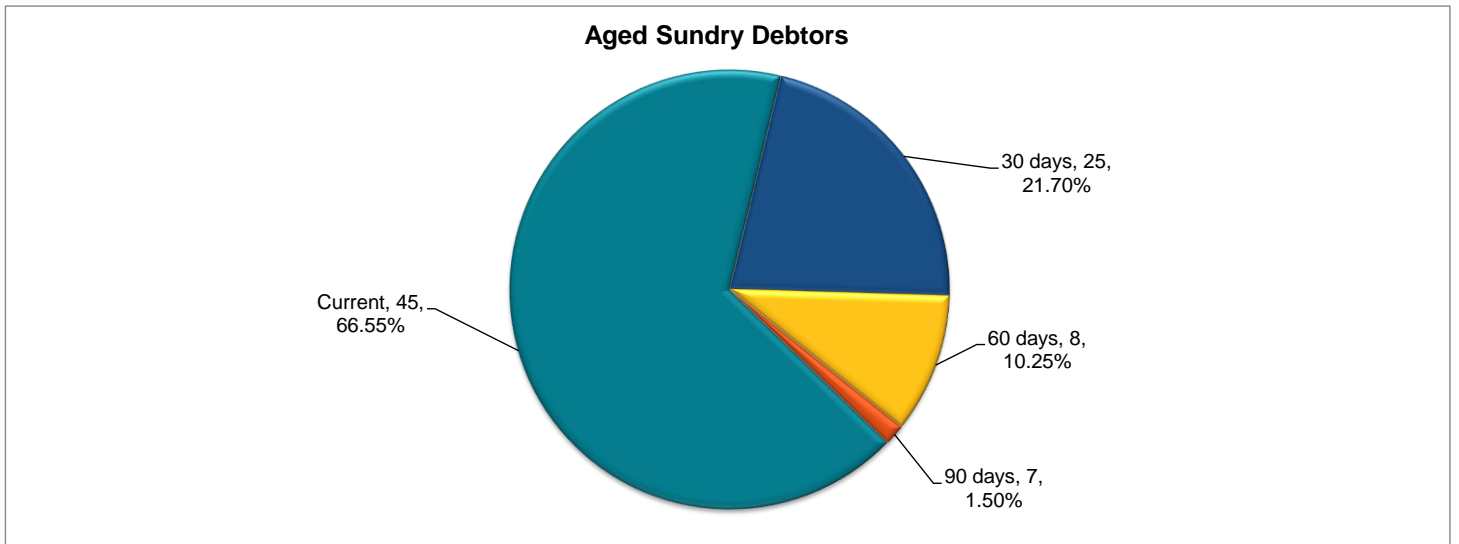
Investment Report as at 30 April 2023 (including at call cash)

	Total Invested	Average Current Rate Weighted	% Invested
Bendigo	4,000,000	4.15%	4.8%
CBA	11,000,000	4.23%	13.2%
NAB	12,000,000	4.32%	14.4%
Suncorp	12,000,000	4.46%	14.4%
QTC	43,333,040	4.17%	51.9%
QCB General	1,191,777	2.05%	1.4%
Total Funds	\$83,524,817		



SUNDRY DEBTORS

Total outstanding Sundry Debtors as at 30 April 2023 are \$309,833.45.

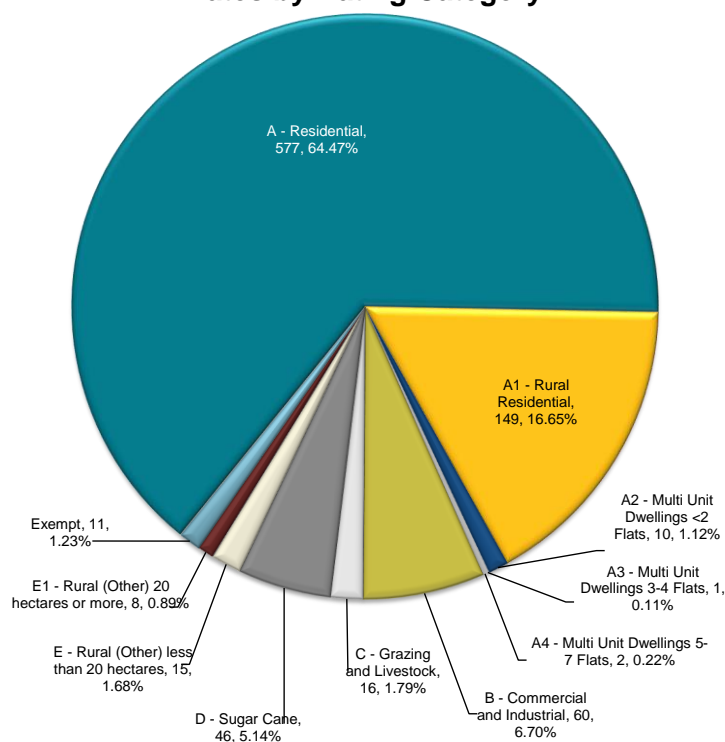


RATES

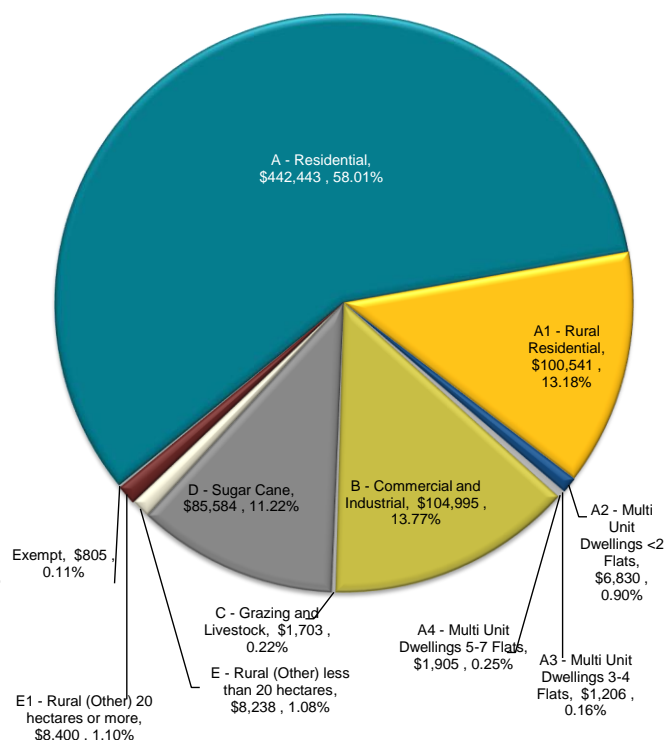
Arrears as at 1 July 2022		\$518,242
Levy and fees raised *	\$44,902,570	
Interest charged *	\$105,367	
Less Pensioner subsidy and rebate	\$664,993	\$44,342,944
Payments received		<u>\$44,101,717</u>
Arrears as at 30 April 2023		<u><u>\$759,469</u></u>
% Arrears April 2023		1.69%
% Arrears April 2022		1.85%
Pre-payments as at 30 April 2023		\$1,699,660
Pre-payments as at 30 April 2022		\$1,584,601

* includes State Govt Emergency Management Levy

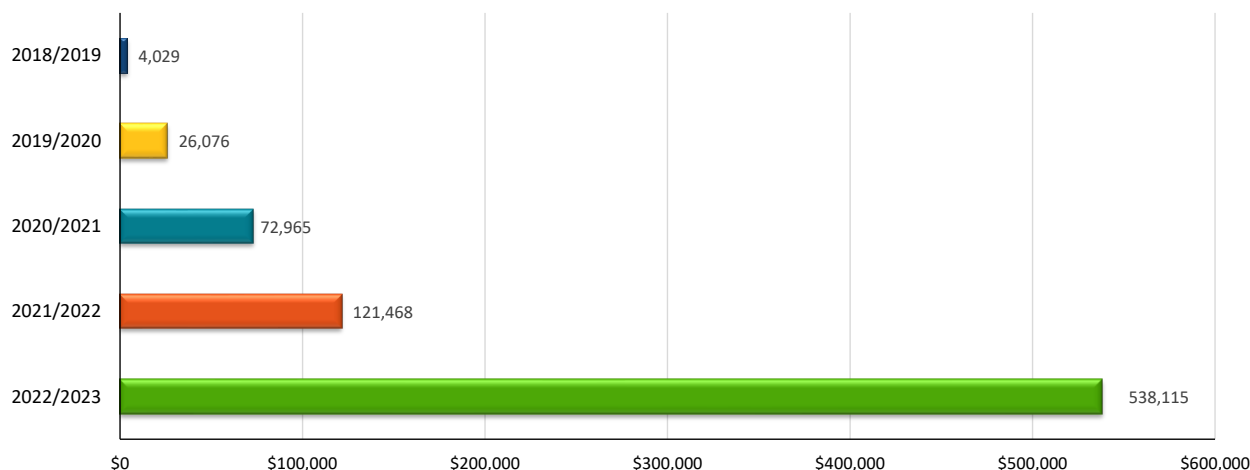
Number of Properties with Outstanding Rates by Rating Category



\$ Value of Outstanding Rates by Rating Category



Total Rates Outstanding by Financial Year



Collection House - Debt Referral

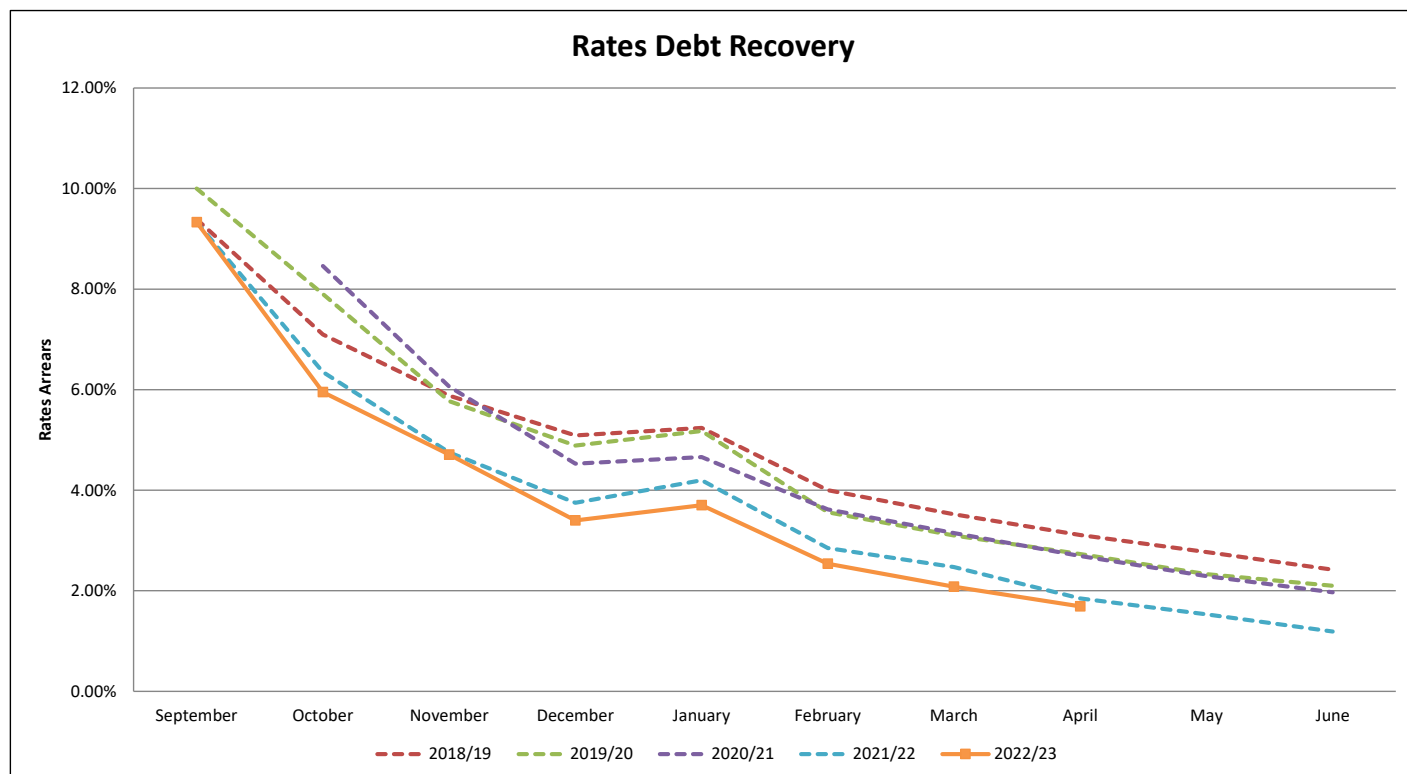
Council currently has 133 active files with Collection House with an outstanding balance of \$438,623.

Council Periodic Payment Plans

Council has 182 formalised periodic payment plans currently in place. These will continue to be monitored by Rates Staff to ensure conformance. In addition, there are two 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. Auction notices have been issued with the Auction date set at 17 May 2023.



OVERVIEW OF COUNCIL'S CAPITAL PROJECTS

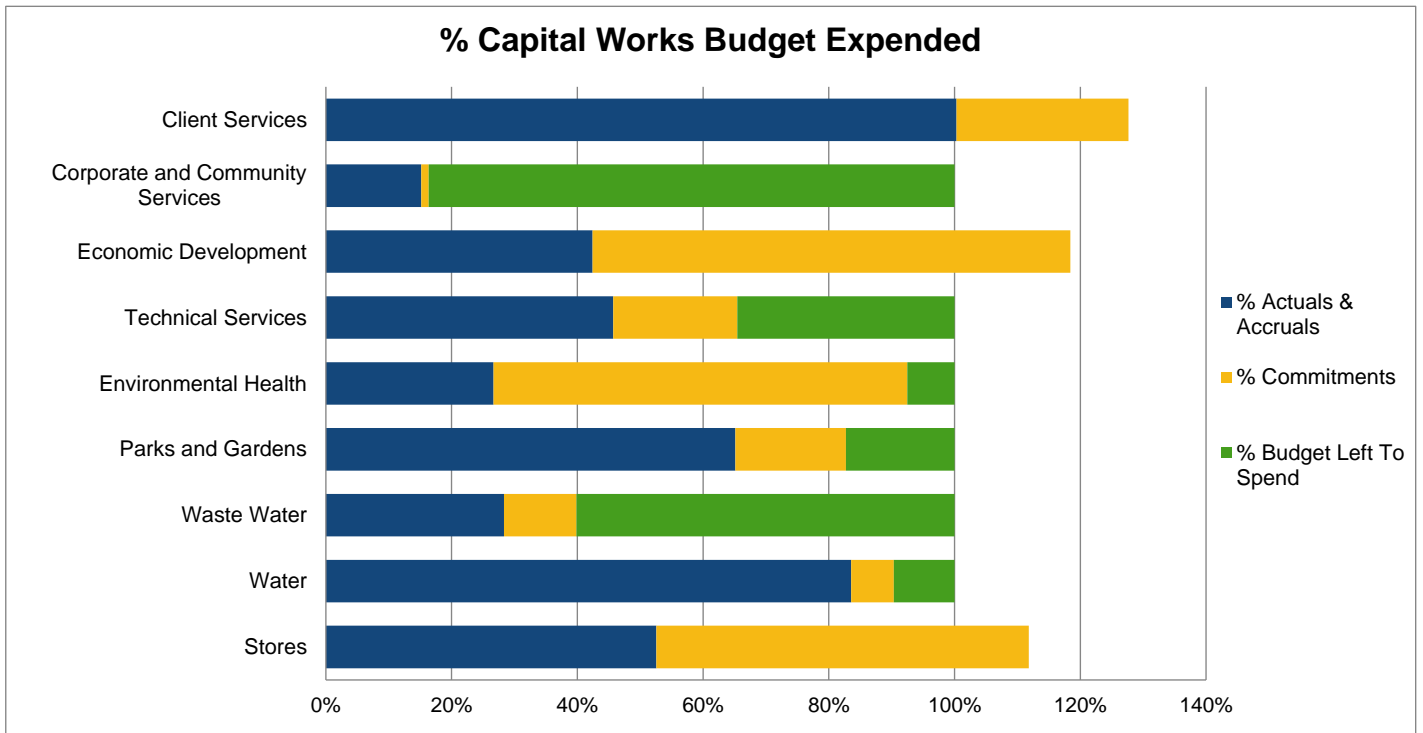
Capital expenditure incurred for the year to 30 April, is shown by asset category in the table below.

Capital project expenditure to 30 April is \$16,003,977. In addition to this, there is \$4,654,344 of commitments. Therefore totalling \$20,658,321.

Financial Overview by Asset Category

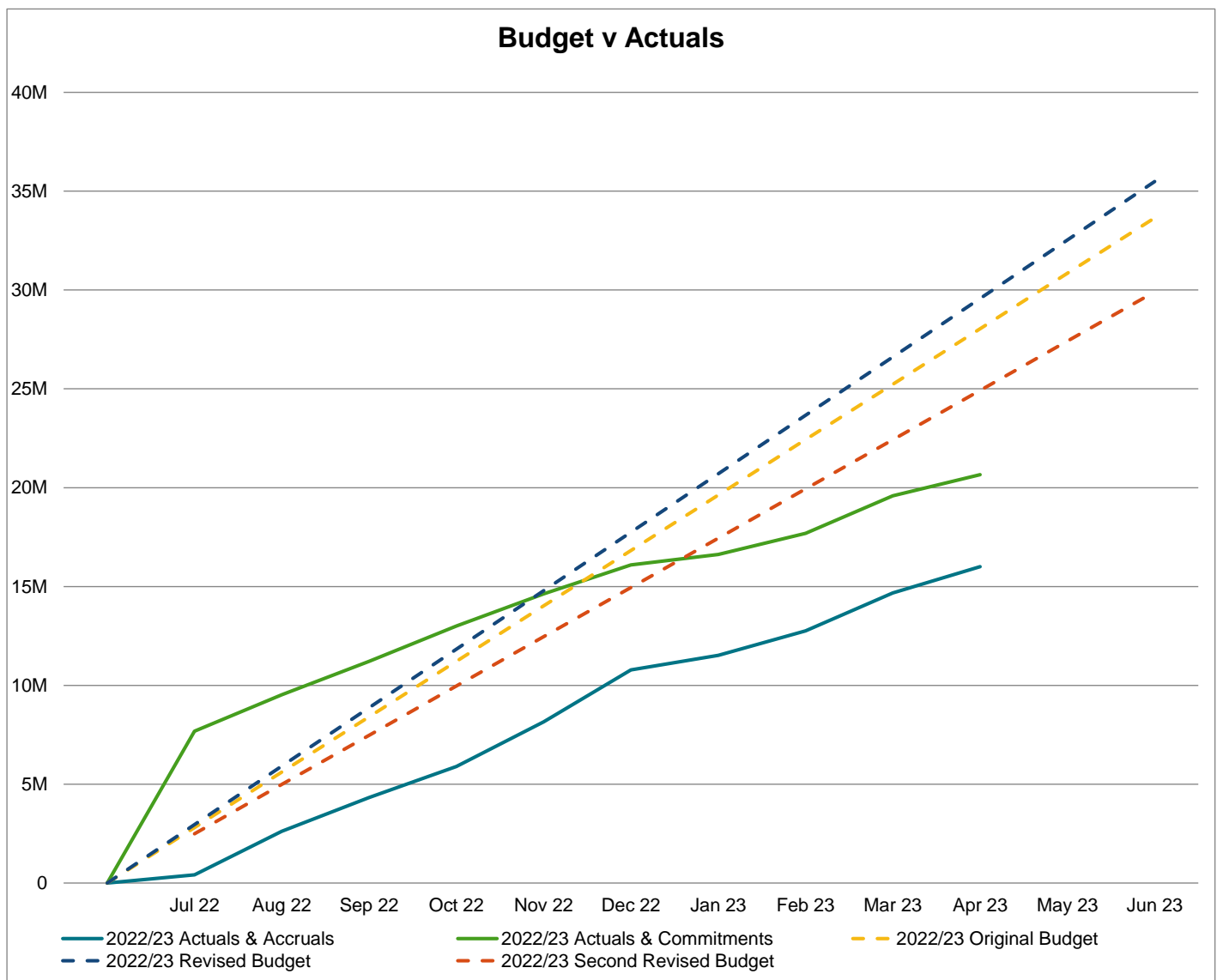
Asset Category	Original Budget	Revised Budget	Actuals & Accruals	Commitments	Total
Client Services	\$ 196,000	\$ 245,400	\$ 246,140	\$ 67,135	\$ 313,275
Corporate and Community Services	\$ 2,622,700	\$ 2,251,922	\$ 341,618	\$ 26,631	\$ 368,249
Economic Development	\$ 30,000	\$ 30,000	\$ 12,721	\$ 22,803	\$ 35,524
Technical Services	\$ 13,199,000	\$ 11,294,353	\$ 5,164,200	\$ 2,225,742	\$ 7,389,942
Environmental Health	\$ 335,000	\$ 562,985	\$ 150,042	\$ 370,696	\$ 520,738
Parks and Gardens	\$ 4,898,520	\$ 6,400,764	\$ 4,168,892	\$ 1,126,628	\$ 5,295,520
Waste Water	\$ 4,250,000	\$ 3,021,882	\$ 855,797	\$ 348,632	\$ 1,204,429
Water	\$ 8,040,483	\$ 5,997,915	\$ 5,012,011	\$ 406,818	\$ 5,418,829
Stores	\$ 75,000	\$ 100,000	\$ 52,556	\$ 59,259	\$ 111,815
TOTAL	\$ 33,646,703	\$ 29,905,221	\$ 16,003,977	\$ 4,654,344	\$ 20,658,321

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 30 April 2023.

APPENDIX 4 - STATEMENT OF CASH FLOWS

Attached is the Statement of Cash Flows for the period ending 30 April 2023.

OPERATING STATEMENT
Period Ending 30 April 2023

Chief Executive Officer

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Operational contributions and donations	39	444	667	-223	-33%
Operational grants and subsidies	0	34,550	44,500	-9,950	-22%
Other operating revenue	4,388	56,184	51,942	4,242	8%
Total operating revenue	4,427	91,178	97,108	-5,931	-6%
Operating Expenses					
Employee benefits	98,356	1,039,335	1,088,105	-48,770	-4%
Materials and services	21,075	210,040	367,195	-157,155	-43%
Total operating costs	119,431	1,249,374	1,455,299	-205,925	-14%
Surplus (deficit) from operating activities	-115,003	-1,158,197	-1,358,191	199,995	-15%
Net result for period	-115,003	-1,158,197	-1,358,191	199,995	-15%

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 30 April 2023

Director of Corporate & Community Services

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	5,975	81,502	79,552	1,951	2%
Operational contributions and donations	5,343	16,748	16,500	248	2%
Operational grants and subsidies	0	84,934	101,372	-16,438	-16%
Other operating revenue	231	3,505	2,917	589	20%
Total operating revenue	11,549	186,690	200,340	-13,650	-7%
Operating Expenses					
Employee benefits	42,907	476,713	508,545	-31,832	-6%
Materials and services	23,985	552,849	647,177	-94,329	-15%
Depreciation and amortisation	123,850	1,150,439	1,167,667	-17,227	-1%
Total operating costs	190,742	2,180,001	2,323,389	-143,388	-6%
Surplus (deficit) from operating activities	-179,193	-1,993,311	-2,123,049	129,738	-6%
Capital grants and subsidies	0	69,500	879,000	-809,500	-92%
Other capital income (expense)	0	-12,062	-12,062	0	0%
Net result for period	-179,193	-1,935,873	-1,256,111	-679,762	54%

Comments

Operational grants and subsidies

Under Budget due to quarterly payment of grant for Multi-tenanted building not being received. Grant expected to be received in May.

Employee benefits

Under budget due to employee leave taken and timing of payroll transactions.

Materials and services

Under Budget due to timing of internal audit and business analyst payments. Allocation for pest control at Home Hill courthouse no longer required due to the activity being funded by State Government.

Capital grants and subsidies

Grant application for Ayr Industrial Estate was unsuccessful.

OPERATING STATEMENT
Period Ending 30 April 2023

Manager Client Services

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Operational grants and subsidies	0	35,940	35,940	0	0%
Other operating revenue	2,318	35,898	46,833	-10,936	-23%
Total operating revenue	2,318	71,838	82,773	-10,935	-13%
Operating Expenses					
Employee benefits	469,625	2,639,208	2,431,286	207,922	9%
Materials and services	64,392	1,830,815	1,927,581	-96,767	-5%
Total operating costs	534,016	4,470,023	4,358,868	111,156	3%
Surplus (deficit) from operating activities	-531,698	-4,398,185	-4,276,094	-122,091	3%
Net result for period	-531,698	-4,398,185	-4,276,094	-122,091	3%

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. This budget was increased in the second budget revision due to known pending Workcare payments, which are still being assessed. Also under budget on the sale of used ICT equipment.

Employee benefits

Over budget due to higher than forecasted Sick Leave and Annual Leave. Oncost recoveries continue to track unfavourably due to vacant positions and staff leave. This is offset by Long Service Leave and Superannuation being under budget.

Materials and services

Under budget due to timing of ICT Software purchases.

OPERATING STATEMENT
Period Ending 30 April 2023

Manager Community Services

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	10,635	161,506	187,917	-26,410	-14%
Operational contributions and donations	0	50	0	50	-
Operational grants and subsidies	0	38,098	132,761	-94,663	-71%
Other operating revenue	2,087	57,888	66,458	-8,570	-13%
Total operating revenue	12,722	257,543	387,136	-129,594	-33%
Operating Expenses					
Employee benefits	120,139	1,415,567	1,492,244	-76,676	-5%
Materials and services	46,456	986,039	1,167,472	-181,433	-16%
Depreciation and amortisation	9,740	86,316	87,417	-1,100	-1%
Total operating costs	176,336	2,487,923	2,747,132	-259,210	-9%
Surplus (deficit) from operating activities	-163,614	-2,230,380	-2,359,996	129,616	-5%
Capital grants and subsidies	0	65,315	80,000	-14,685	-18%
Other capital income (expense)	0	-6,473	-6,473	0	0%
Net result for period	-163,614	-2,171,538	-2,286,469	114,931	-5%

Comments

User fees and charges

Under budget due to timing of events. Anticipate growth in revenue due to increase in bookings in May and 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 with contractors being engaged to undertake community projects; Beach Patrol awaiting advice from Surf Lifesaving Queensland re contract payments. Burdekin Library and Theatre operational expense are also under budget.

Capital grants and subsidies

Final quarter of library grant to be received.

OPERATING STATEMENT
Period Ending 30 April 2023

Manager Environmental & Health Services - Waste Program

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	0	4,254,118	4,251,424	2,694	0%
User fees and charges	64,819	654,559	639,847	14,712	2%
Interest Received	19,192	215,243	227,500	-12,257	-5%
Other operating revenue	1,715	89,065	138,406	-49,341	-36%
Total operating revenue	85,726	5,212,985	5,257,178	-44,192	-1%
Operating Expenses					
Employee benefits	55,469	672,797	711,313	-38,515	-5%
Materials and services	172,214	2,196,924	2,294,253	-97,329	-4%
Depreciation and amortisation	39,556	363,576	365,917	-2,341	-1%
Finance Costs	616,217	616,217	0	616,217	-
Total operating costs	883,456	3,849,514	3,371,482	478,032	14%
Surplus (deficit) from operating activities	-797,731	1,363,471	1,885,696	-522,225	-28%
Other capital income (expense)	-221,623	-221,623	0	-221,623	-
Net result for period	-1,019,354	1,141,848	1,885,696	-743,848	-39%

Comments

Other operating revenue

Scrap steel income under budget.

Employee benefits

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

Finance Costs

Council does not include in the budget estimates movements for the Restoration provision for landfill sites. Annual provision movements include a borrowing cost of \$616,217 which relates to the discounting used to reflect the passage of time until the sites are remediated.

OPERATING STATEMENT
Period Ending 30 April 2023

Manager Environmental & Health Services excluding Waste Program

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	-2	349,497	349,481	16	0%
User fees and charges	55,751	659,087	633,999	25,088	4%
Operational contributions and donations	3,771	102,257	114,619	-12,362	-11%
Operational grants and subsidies	0	31,398	107,370	-75,972	-71%
Other operating revenue	229	13,392	14,523	-1,131	-8%
Total operating revenue	59,750	1,155,631	1,219,992	-64,361	-5%
Operating Expenses					
Employee benefits	100,986	1,114,764	1,183,891	-69,128	-6%
Materials and services	119,064	1,558,517	1,789,313	-230,797	-13%
Depreciation and amortisation	29,583	276,774	283,833	-7,060	-2%
Total operating costs	249,633	2,950,054	3,257,038	-306,984	-9%
Surplus (deficit) from operating activities	-189,883	-1,794,423	-2,037,045	242,623	-12%
Capital grants and subsidies	0	2,371,241	3,454,922	-1,083,681	-31%
Other capital income (expense)	0	-8,901	-8,901	0	0%
Net result for period	-189,883	567,917	1,408,976	-841,058	-60%

Comments

Operational contributions and donations

Grader Grass Project funding not yet received.

Operational grants and subsidies

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.

Materials and services

Under budget due to Burdekin Shire Rivers Improvement Trust Precept payment not yet made. This is offset by over budget for Burdekin Aquatic Study final payment and pool contractor payments.

Capital grants and subsidies

Capital budget for design, construction and site works for new projects at Ayr Pool. Funds to be received as works completed and claims submitted.

OPERATING STATEMENT
Period Ending 30 April 2023

Manager Financial and Administrative Services

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	0	29,038,648	28,975,813	62,835	0%
Pensioner remissions	-1,280	-344,795	-350,000	5,205	-1%
User fees and charges	3,400	102,009	105,395	-3,386	-3%
Interest Received	101,287	1,142,577	1,188,667	-46,090	-4%
Operational grants and subsidies	0	1,399,531	1,401,185	-1,654	0%
Other operating revenue	14	35,315	35,500	-185	-1%
Total operating revenue	103,422	31,373,285	31,356,560	16,725	0%
Operating Expenses					
Employee benefits	120,471	1,416,038	1,498,269	-82,231	-5%
Materials and services	53,330	799,250	874,089	-74,839	-9%
Depreciation and amortisation	40,643	399,630	399,500	130	0%
Finance Costs	3,007	69,061	72,500	-3,439	-5%
Total operating costs	217,451	2,683,978	2,844,358	-160,380	-6%
Surplus (deficit) from operating activities	-114,029	28,689,307	28,512,202	177,105	1%
Other capital income (expense)	0	-23,776	-23,776	0	0%
Net result for period	-114,029	28,665,531	28,488,426	177,105	1%

Comments

Employee Benefits

Under budget due to timing of payroll transactions.

Materials and services

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

OPERATING STATEMENT
Period Ending 30 April 2023

Manager Operations - General Fund

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	23,926	159,916	149,700	10,216	7%
Operational contributions and donations	0	45,450	46,700	-1,250	-3%
Operational grants and subsidies	0	693,540	1,253,150	-559,610	-45%
Contract and recoverable works	3,565	60,073	47,500	12,573	26%
Other operating revenue	1,176	10,481	8,100	2,381	29%
Total operating revenue	28,667	969,461	1,505,150	-535,689	-36%
Operating Expenses					
Employee benefits	320,732	3,867,575	4,311,962	-444,387	-10%
Materials and services	409,624	3,594,548	4,102,609	-508,062	-12%
Depreciation and amortisation	87,983	773,983	816,667	-42,684	-5%
Total operating costs	818,339	8,236,106	9,231,238	-995,132	-11%
Surplus (deficit) from operating activities	-789,673	-7,266,645	-7,726,087	459,443	-6%
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)	0	-141,558	-130,233	-11,325	9%
Net result for period	-789,673	-7,356,092	-7,784,450	428,359	-6%

Comments

User fees and charges

Over budget due to higher than expected revenue received from cemetery permits.

Operational grants and subsidies

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

Contract and recoverable works

Revenue in the period represents recovery of works performed by Council at Cromarty Boat Ramp on behalf of Transport and Main Roads. Over budget for income received for private works. Income is variable throughout the year and can differ to budget.

Employee benefits

Under budget in Roads Maintenance due to the inability to execute regular roads maintenance activities impacted by persistent rain through to March; Recoverable works attributable to delays in performing Restoration of Essential Public Asset resheeting and repair works on behalf of the QRA. Works Supervision, Public Conveniences and Cemeteries are other areas that are under year to date budget. Timing of payroll transaction has also contributed to the variance.

Materials and services

Under budget in recoverable works area due to recurring rainfall interruptions impacting the ability to undertake 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 30 April 2023

Manager Operations - Sewerage

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	0	4,244,983	4,251,136	-6,153	0%
User fees and charges	459	3,213	0	3,213	-
Interest Received	48,402	539,357	563,500	-24,143	-4%
Operational contributions and donations	0	2,000	800	1,200	150%
Total operating revenue	48,861	4,789,553	4,815,436	-25,883	-1%
Operating Expenses					
Employee benefits	82,606	1,045,427	1,106,654	-61,227	-6%
Materials and services	49,779	834,005	876,849	-42,844	-5%
Depreciation and amortisation	137,590	1,294,703	1,321,250	-26,547	-2%
Total operating costs	269,975	3,174,135	3,304,753	-130,618	-4%
Surplus (deficit) from operating activities	-221,115	1,615,419	1,510,683	104,735	7%
Capital grants and subsidies	-1,028,925	624,770	1,926,765	-1,301,995	-68%
Other capital income (expense)	0	-66,990	-66,990	0	0%
Net result for period	-1,250,040	2,173,199	3,370,458	-1,197,260	-36%

Comments

Employee benefits

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

Capital grants and subsidies

Grant funds received from the Department of State Development, Infrastructure, Local Government and Planning for the Macro Algae Earthworks project transferred to Contract Liability. Revenue will be recognised as works are completed.

OPERATING STATEMENT
Period Ending 30 April 2023

Manager Operations - Water

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
Rates and Utility Charges	-30	3,954,596	3,956,200	-1,604	0%
User fees and charges	575	74,608	72,000	2,608	4%
Interest Received	25,231	280,915	290,713	-9,797	-3%
Operational contributions and donations	0	16,000	16,000	0	0%
Other operating revenue	0	0	1,000	-1,000	-100%
Total operating revenue	25,776	4,326,119	4,335,913	-9,794	0%
Operating Expenses					
Employee benefits	97,903	1,021,007	1,091,923	-70,916	-6%
Materials and services	102,057	1,461,548	1,647,375	-185,827	-11%
Depreciation and amortisation	78,242	741,337	804,583	-63,246	-8%
Total operating costs	278,202	3,223,892	3,543,881	-319,989	-9%
Surplus (deficit) from operating activities	-252,425	1,102,227	792,031	310,196	39%
Capital grants and subsidies	1,858,358	3,483,552	3,600,000	-116,448	-3%
Other capital income (expense)	0	-23,021	-23,021	0	0%
Net result for period	1,605,933	4,562,758	4,369,010	193,747	4%

Comments

Employee benefits

Under year to date budget in Water Operational, Water Production and Property Connections and over budget Water Reticulation due to unfilled vacancies and timing of payroll transactions.

Materials and services

Under budget due 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.

OPERATING STATEMENT
Period Ending 30 April 2023

Manager Planning and Development

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	33,846	395,729	375,000	20,730	6%
Other operating revenue	0	40	0	40	-
Total operating revenue	33,846	395,770	375,000	20,770	6%
Operating Expenses					
Employee benefits	74,421	893,963	960,750	-66,786	-7%
Materials and services	42,739	381,421	304,629	76,792	25%
Total operating costs	117,160	1,275,385	1,265,379	10,006	1%
Surplus (deficit) from operating activities	-83,313	-879,615	-890,379	10,764	-1%
Net result for period	-83,313	-879,615	-890,379	10,764	-1%

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 30 April 2023

Manager Technical Services

	Month of April Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Operating Revenue					
User fees and charges	14,379	221,570	169,000	52,570	31%
Operational grants and subsidies	20,163	79,955	60,002	19,953	33%
Contract and recoverable works	99,662	931,161	1,257,000	-325,839	-26%
Other operating revenue	0	10,309	5,033	5,276	105%
Total operating revenue	134,204	1,242,995	1,491,035	-248,040	-17%
Operating Expenses					
Employee benefits	154,616	1,814,464	2,138,249	-323,785	-15%
Materials and services	-76,951	-252,763	53,198	-305,962	-575%
Depreciation and amortisation	668,488	6,744,963	6,881,250	-136,287	-2%
Total operating costs	746,153	8,306,665	9,072,698	-766,033	-8%
Surplus (deficit) from operating activities	-611,949	-7,063,670	-7,581,663	517,993	-7%
Capital contributions	-4,251,895	136,238	978,000	-841,762	-86%
Capital grants and subsidies	0	1,316,164	1,616,390	-300,226	-19%
Other capital income (expense)	0	-134,903	-101,765	-33,138	33%
Net result for period	-4,863,845	-5,746,171	-5,089,038	-657,133	13%

Comments

User fees and charges

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

Operational grants and subsidies

Over budget due to high fuel tax credits from Macro-Algae earthworks project.

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 timing of Roads Maintenance Performance Contract works, 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 has been recognised as a Contract Liability. Revenue will be recognised as works are completed over the two years period.

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 30 April 2023

Appendix 2

	Month of April 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
Operating Revenue						
Rates and Utility Charges	-32	41,841,841	42,884,054	41,784,054	57,787	0%
Pensioner remissions	-1,280	-344,795	-350,000	-350,000	5,205	-1%
User fees and charges	213,766	2,513,700	2,896,538	2,412,410	101,290	4%
Interest Received	194,112	2,178,093	2,715,055	2,270,379	-92,286	-4%
Operational contributions and donations	9,154	182,950	244,219	195,286	-12,336	-6%
Operational grants and subsidies	20,163	2,397,946	3,961,145	3,136,281	-738,334	-24%
Contract and recoverable works	103,227	991,234	2,152,000	1,304,500	-313,266	-24%
Other operating revenue	12,158	312,077	419,529	370,713	-58,635	-16%
Total operating revenue	551,268	50,073,046	54,922,540	51,123,622	-1,050,576	-2%
Operating Expenses						
Employee benefits	1,738,231	17,416,859	22,760,179	18,523,190	-1,106,331	-6%
Materials and services	1,027,764	14,153,190	19,488,594	16,051,741	-1,898,551	-12%
Depreciation and amortisation	1,215,676	11,831,721	14,553,700	12,128,083	-296,362	-2%
Finance Costs	619,224	685,278	80,000	72,500	612,778	845%
Total operating costs	4,600,895	44,087,048	56,882,473	46,775,514	-2,688,466	-6%
Surplus (deficit) from operating activities	-4,049,627	5,985,998	-1,959,933	4,348,108	1,637,890	38%
Capital contributions	-4,251,895	141,238	989,750	989,750	-848,512	-86%
Capital grants and subsidies	829,433	7,977,654	11,617,197	11,617,197	-3,639,543	-31%
Other capital income (expense)	-221,623	-639,308	-373,221	-373,221	-266,087	71%
Net result for period	-7,693,713	13,465,582	10,273,793	16,581,834	-3,116,252	-19%

BURDEKIN SHIRE COUNCIL
STATEMENT OF FINANCIAL POSITION
As at 30 April 2023

Appendix 3

	Year to Date Actual \$	Annual Budget \$
Current Assets		
Cash and Cash Equivalents	83,533,089	64,795,085
Receivables	1,123,488	1,247,512
Inventories	580,292	603,236
Contract Assets	18,879	0
Other Assets	549,135	1,911,475
Total Current Assets	85,804,883	68,557,308
Non-Current Assets		
Receivables	341,018	341,018
Property, Plant and Equipment	607,070,113	603,792,260
Intangibles Assets	315,608	298,550
Other Assets	42,903	70,205
Total Non-Current Assets	607,769,642	604,502,033
TOTAL ASSETS	693,574,525	673,059,341
Current Liabilities		
Payables	2,285,906	5,911,555
Provisions	5,569,551	5,707,566
Contract Liabilities	5,959,906	91,574
Other Liabilities	141,271	537,720
Total Current Liabilities	13,956,633	12,248,415
Non-Current Liabilities		
Provisions	19,603,307	18,068,817
Other Liabilities	1,665,681	1,130,073
Total Non-Current Liabilities	21,268,988	19,198,890
TOTAL LIABILITIES	35,225,621	31,447,305
NET COMMUNITY ASSETS	658,348,904	641,612,036
Community Equity		
Asset Revaluation Surplus	372,155,540	358,610,467
Retained Surplus (deficiency)	286,193,363	283,001,569
TOTAL COMMUNITY EQUITY	658,348,904	641,612,036

BURDEKIN SHIRE COUNCIL
STATEMENT OF CASH FLOWS
For Period Ending 30 April 2023

Appendix 4

	Year to Date Actual \$	Annual Cashflow Budget \$
Cash Flows from Operating Activities		
Receipts		
Receipts from Customers	48,461,490	48,004,233
Operating Grants, Subsidies and Contributions	2,591,378	4,215,846
Interest Received	2,209,448	2,715,055
Payments		
Payments to Suppliers and Employees	-37,300,983	-42,683,923
Net Cash Inflow (Outflow) from Operating Activities	<u>15,961,334</u>	<u>12,251,211.00</u>
Cash Flows from Investing Activities		
Commonwealth Government Grants	736,872	0
State Government Subsidies and Grants	7,240,782	11,617,197
State Government Subsidies and Grants arising from Contract Assets and Liabilities	6,041,202	191,749
Capital Contributions	141,238	989,750
Payments for Property, Plant and Equipment	-15,993,325	-29,905,221
Proceeds from Sale of Property, Plant and Equipment	78,587	424,000
Net Cash Inflows (Outflow) from Investing activities	<u>-1,754,644</u>	<u>-16,782,525</u>
Net Increase (Decrease) in Cash and Cash Equivalents Held	<u>14,206,690</u>	<u>-4,531,314</u>
Cash and Cash Equivalents at Beginning of the Financial Year	69,326,399	69,326,399
Cash and Cash Equivalents at end of the Period	<u><u>83,533,089</u></u>	<u><u>64,795,085</u></u>

6.4.1. GOVERNANCE

Adoption of Council Property and Leasing Policy

File Reference: 2438

Report Author: Jodie Ordorica, Governance Support Officer

Authoriser: Nick OConnor, Director Corporate and Community Services

Meeting Date: 23 May 2023

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

1.5.1: Encourage active communities through the provision and maintenance of recreational spaces.

1.5.2: Provide safe, attractive, accessible, and functional community spaces and facilities.

Burdekin Shire Council Operational Plan 2022-2023

CG3 Manage Council's property portfolio (including the Ayr Aerodrome) in accordance with legislation with the timely reporting of matters to Council for approval.

CG5 Manage Council's Corporate Policy Program.

Executive Summary

Council manages the use of Council owned or controlled land or property through multiple tenure arrangements with the community. This includes lease and agreement for use arrangements for approved activities such as sporting, recreational, educational, cultural, agricultural, grazing and aerodrome hangars.

Council first adopted the Council Property and Leasing Policy in 2022 to provide a consistent approach to the establishment and ongoing management of these tenure arrangements. The policy was adopted with a 12 month review period and has been reviewed in accordance with the review schedule and is now presented to Council for re-adoption with minor amendments.

Recommendation

That Council adopts the Council Property and Leasing Policy attached to this report.

Background

Historically, Council's tenure arrangements were negotiated on a case-by-case basis with no application of formal procedures or principles to guide the tenure process. Council officers identified that a policy should be developed to improve the governance of Council tenure arrangements by providing consistent and appropriate guiding principles. The Council Property and Leasing Policy was developed and adopted in 2022 and has been effective in achieving its purpose. The policy was adopted with a 12-month review period and has been reviewed and updated with some minor amendments proposed.

The principles of this policy are based on standard terms prescribed by the Land Act 1994 and the Land Regulation 2020.

Consultation

The Council Property and Leasing Policy has been reviewed in consultation with Council's Governance and Property Officer, Senior Governance Officer, Director of Corporate and Community Services and Chief Executive Officer. The Policy was also discussed at a Council Workshop on Tuesday 16 May 2023.

Budget & Resource Implications

There are no budget or resource implications if the recommendation is adopted.

Legal Authority & Implications

This policy is guided by the following legislation:

- Land Act 1994 (Qld)
- Land Regulation 2020 (Qld)
- Local Government Act 2009 (Qld)
- Local Government Regulation 2012 (Qld)

Policy Implications

The policy will be updated on Council's public website and in Council's Policy Register

Risk Implications (Strategic, Operational, Project Risks)

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

The implementation of this policy will formalise tenure arrangements, reducing the risk of unenforceable arrangements and inappropriate use of Council owned or controlled land or property by providing appropriate and consistent tenure arrangements.

Attachments

1. Council Property and Leasing Policy

Policy Type	Corporate
Function	Governance
Policy Owner	Director Corporate and Community Services
Policy Contact	Governance and Property Officer
Effective Date	23 May 2023

Purpose

To ensure an equitable and consistent approach in the establishment and management of tenure arrangements over Council owned or controlled land or property.

Scope

This policy applies to tenure arrangements over Council owned or controlled land or property entered into or renewed after the policy commencement. This includes lease and agreement for use arrangements for approved activities such as sporting, recreational, educational, cultural, agricultural, grazing and aerodrome hangars.

Policy Statement

Council recognises and is committed to meeting the needs of the community having access to Council owned or controlled land or property through appropriate and consistent tenure arrangements.

Council recognises its role as Trustee of State land and the general requirement for all activities on State land to be consistent with the purpose of the reserve.

Community organisations require access to Council land to conduct a range of activities that enhance the physical activity, social interaction and cultural development of the community. Consideration is given to community organisations that demonstrate the principles and practices of multi-purpose use, shared use, flexibility in activities and can demonstrate community benefit or fulfil a community need where there is a gap in service provision. Community organisations eligible to apply for tenure include sporting, recreational, educational, cultural, other not-for-profit community service and volunteer-based organisations.

Commercial organisations and individuals also have access to Council land for agricultural purposes (i.e. grazing and crop production) and aerodrome hangars and facilities.

Council is committed to ensuring fair and consistent tenure arrangements however, it is acknowledged that some conditions and terms may be negotiated on a case-by-case basis.

Exceptions

This policy does not apply to Council owned or controlled land under a permit to occupy, licence or hire agreement.

Objectives

To establish consistent guidelines by which Council grants tenure of Council owned or controlled land for sporting, recreational, community, educational, commercial, agricultural, grazing and aerodrome activities.

Types of Tenure

The type of tenure available will depend on the type of land or property to which the enquiry relates, i.e. freehold, leasehold or reserve land. Some forms of tenure grant an exclusive right to occupy the property to the exclusion of all others, whilst other forms of tenure grant non-exclusive right to occupy the property which means the occupancy may be shared.

Example tenure types include:

- (a) a lease of Council owned freehold land;
- (b) a trustee lease of reserve land controlled by Council as trustee;
- (c) an assignment or subletting of land leased by Council;
- (d) an agreement for use; and
- (e) a paddock rental agreement.

Examples of land/property types include, but are not limited to open space parks, community halls and centres, sporting fields and facilities, commercial or industrial land or buildings, land parcels and aerodrome hangars.

In all cases, Council will determine the most appropriate form of tenure to be granted.

Application for Tenure

Applications for all types of tenure are to be made in writing and will be referred to the Chief Executive Officer for formal consideration.

Assignment or Subletting

Lessees or users must first obtain Council's approval for Assignment/Subletting of Lease tenure arrangements before entering such arrangements. Council retains the right to refuse and/or cease any assignment or subletting arrangement.

Eligibility Criteria

To be eligible to apply for, or renew a tenure arrangement over Council owned or controlled land or property, the applicant must:

- (a) be a community organisation, commercial organisation, or individual;
- (b) be able to demonstrate its ability to meet the financial obligations under the form of tenure sought; and
- (c) be proposing to use the land for approved activities including but not limited to sporting, recreational, educational, cultural, agricultural, grazing or aerodrome hangar purposes.

Tenure Documentation

Council will prepare standard tenure documents that reflect this policy and meet the requirements of relevant legislation.

Trustee leases and subleases must be registered in the Queensland Land Registry pursuant to section 57(7) of the *Land Act 1994*. It is Council's preference to also register freehold leases.

Compliance with Tenure Agreements

By entering into a tenure arrangement over Council owned or controlled land or property, lessees and users accept and agree to all terms listed in the policy, and standard tenure terms listed in Schedule A.

Lessees and users must not conduct, nor permit to occur, any illegal, immoral or offensive acts on Council owned or controlled land or property.

Failure to comply with the conditions of the tenure arrangement may result in Council terminating or not offering renewal of the tenure arrangement.

Permitted Use

Lessees and users must use the land/property only for the activities agreed upon by Council and specified in the lease reference schedule or agreement schedule.

Generally, the permitted use for community organisations are public purpose activities including cultural, sporting, recreational, educational or community service.

The permitted use for commercial organisations or individuals can include agricultural activities (i.e. grazing or crop production) and aerodrome related activities.

Fees and Charges

Annual Rental

Rental for a lease or agreement for use are set out in accordance with Schedule A and Council's adopted Schedule of Fees and Charges (as amended from time to time) at the time the tenure document is issued.

Rates and Utilities

The lessee or user is solely responsible for all other rates, taxes, assessments, duties, levies, impositions and other charges in respect of the tenure arrangement.

Costs Generally

The lessee or user is responsible for its own costs in connection with the preparation, execution, completion and carrying into effect the tenure arrangement.

Inspections, Maintenance and Improvements

Capital Improvements

Lessees and users must first obtain Council's approval before making any improvements, additions, or alterations within or to the tenure arrangement permit area. Capital improvements include alterations or additions to fixed items such as buildings, structures and equipment and other infrastructure that is used to provide service levels.

Council may approve or approve with conditions or refuse applications for approval at its discretion.

General Maintenance

Lessees and users are responsible for retaining an asset to its original condition in order to deliver a required level of service, including regular ongoing day-to-day work and preventative work necessary to keep assets

operating. This includes but is not limited to activities such as mowing, groundskeeping and cleaning of facilities and/or amenities.

Operating Maintenance

Lessees and users are responsible for the operating maintenance that is continuously required to provide a service. This includes but is not limited to items such as repairs to plant and equipment, consumables and associated service activities (e.g. water, sewerage, electricity, gas, and waste collection).

Insurance

All lessees and users are required to take out public liability insurance for no less than twenty million dollars (\$20,000,000). A copy of the Certificate of Currency must be provided to Council initially and upon renewal annually.

Other specific insurance covers that must be maintained by the lessee or user will be outlined in the lease or agreement for use.

Termination

Where a lessee or user is in breach of the tenure arrangement, Council may resolve to terminate the tenure arrangement.

Expiry/Renewal

Where a tenure arrangement is approaching expiry or renewal, the lessee or user must provide a written request to renew.

If there is an exception under section 236 of the *Local Government Regulation 2012*, there is no requirement to call for tender.

Risk Management

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

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

Legislation

Land Act 1994 (Qld)

Land Regulation 2020 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Definitions and Abbreviations

Commercial Organisation	an organisation, including an incorporated body, co-operative society, partnership, or sole trader, conducting activities for the purposes of deriving a financial return to the proprietors or shareholders.
Community Organisation	means an incorporated association – (a) that carries on activities for a public purpose; or (b) whose primary object is not directed at making a profit.
Council	means Burdekin Shire Council.
Council controlled land	means land/property or built facilities for which Council is granted trusteeship over by the State of Queensland.
Council owned land	means freehold land/property or built facilities owned by Council.
Lease	an agreement in which the lessor agrees to give the lessee the exclusive right to occupy land for a specific term.
Lessee	the tenant, or the person or organisation to whom the lease is granted.
Lessor	the owner of the property, or the entity who grants the lease (i.e. Council).
Paddock Rental	a contractual right to occupy or use Council owned or controlled land for grazing and/or the keeping of livestock.
Tenure	means a lease, agreement for use or paddock rental over Council owned or controlled land or property.
Trustee Lease	an agreement between Council and a lessee for trust land where the lease provides for exclusive use of the land or infrastructure in accordance with the <i>Land Act 1994</i> .
User	means the individual or organisation who is granted use of the land/property.

Related Documents

Reference Number	Document Title
GOV-TEM-0001	Agreement for Use
Council Website	Adopted Fees and Charges Schedule (<i>as amended from time to time</i>)
Department of Resources Website	Policy – Secondary use of trust land under the Land Act

Document History and Version Control

Title of Document	Council Property and Leasing Policy
Document Reference Number	GOV-POL-0021 Rev 2
Review Schedule	36 months
Council Meeting Date	23 May 2023
Council Resolution Number	Click or tap here to enter text.

Schedule A – Indicative terms according to Tenure Type

Category	Purpose	Fees & Charges		Assignment/Subletting	General Maintenance	Operational Maintenance	Term
		Annual Rent	Rates & Utilities				
Council owned land (freehold)	Community	\$0.10 (if demanded)	Lessee	With Lessor consent	Lessee	Lessee	5 yrs + 5 yr option
	Commercial	Market Rate	Lessee	With Lessor consent	Lessee	Lessee	5 yrs + 5 yr option
	Aerodrome	Per Adopted Fees and Charges Schedule	Lessee	With Lessor consent	Lessee	Lessee	5 yrs + 5 yr option
	Agricultural	% or \$ methodology	Lessee	With Lessor consent	Lessee	Lessee	As Negotiated
	Paddock Rental	Per adopted Fees and Charges Schedule	If Applicable	No	User	User	5 yrs
Council controlled land (reserve)	Community	\$0.10 (if demanded)	Lessee	With Lessor consent	Lessee	Lessee	5 yrs + 5 yr option
	Commercial	Market Rate	Lessee	With Lessor consent	Lessee	Lessee	5 yrs + 5 yr option
	Aerodrome	Per Adopted Fees and Charges Schedule	Lessee	With Lessor consent	Lessee	Lessee	5 yrs + 5 yr option
	Agricultural	% or \$ methodology	Lessee	With Lessor consent	Lessee	Lessee	As Negotiated
	Paddock Rental	Per adopted Fees and Charges Schedule	If Applicable	No	User	User	5 yrs

6.4.2. GOVERNANCE

Audit Committee Charter

File Reference: 388

Report Author: Rebecca Stockdale, Senior Governance Officer

Authoriser: Nick OConnor, Director Corporate and Community Services

Meeting Date: 23 May 2023

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

5.2.1: Demonstrate open and transparent leadership.

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

5.2.3: Implement effective governance frameworks.

5.2.4: Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2022-2023

CG8 Coordinate the Internal Audit function including the annual review of the Internal Audit Plan by the Audit Committee.

Executive Summary

In accordance with the *Local Government Act 2009* Council is required to establish an Audit Committee. Council's Audit Committee operates in accordance with an agreed charter which outlines the committee's authority, role and undertakings. The Charter also details eligibility requirements for independent membership to the committee and outlines the tenure and vacancy schedule for each of the independent members. The Charter allows for a "rolling" membership to ensure continuity of knowledge whilst allowing for natural turnover. The Charter document is reviewed every two (2) years. The Audit Committee endorsed the revised charter at their meeting on 3 May 2023.

Recommendation

That Council adopts the Audit Committee Charter as attached to this report.

Background

Council's Audit Committee provides independent assurance and assistance to Council by reviewing and monitoring the integrity of Council's financial documents, the internal audit function and the effectiveness and objectivity of Council's internal auditors. The Audit Committee Charter outlines a broad scope of areas and functions the committee can review and monitor to ensure the committee is best placed to fulfil this important role. The Audit Committee Charter has been reviewed in accordance with the review schedule and minor amendments have been made - including position titles of Council Officers and reference to strategic risk oversight.

Consultation

The Audit Committee Charter was discussed with the Audit Committee at their meeting on 3 May 2023.

Budget & Resource Implications

Budget allocation for independent audit committee members attendance fees is included in the annual budget. The Charter outlines that remuneration is indexed annually in accordance with any percentage increase determined by the Local Government Remuneration Commission.

Legal Authority & Implications

Local Government Act 2009

Section 105 Auditing, including internal auditing

- (1) Each Local Government must establish an efficient and effective internal audit function.*
- (2) Each large Local Government must also establish an audit committee.*
- (3) A large Local Government is a Local Government that belongs to a class prescribed under a regulation.*
- (4) An audit committee is a committee that -*
 - (a) monitors and reviews -*
 - (i) the integrity of financial documents; and*
 - (ii) the internal audit function; and*
 - (iii) the effectiveness and objectivity of the Local Government's internal auditors; and*
 - (b) makes recommendations to the Local Government about any matters that the audit committee considers need action or improvement.*

Local Government Regulation 2012

Section 210 Audit Committee Composition

210 Audit committee composition

- (1) The audit committee of a Local Government must -*
 - (a) consist of at least 3 and no more than 6 members; and*
 - (b) include -*
 - (i) 1, but no more than 2, Councillors appointed by the Local Government; and*
 - (ii) at least 1 member who has significant experience and skills in financial matters.*
- (2) The Chief Executive Officer can not be a member of the audit committee but can attend meetings of the committee.*
- (3) The Local Government must appoint 1 of the members of the audit committee as chairperson.*

211 Audit committee meetings

- (1) The audit committee of a Local Government must -*
 - (a) meet at least twice each financial year; and*
 - (b) review each of the following matters -*
 - (i) the internal audit plan for the internal audit for the current financial year;*
 - (ii) the internal audit progress report for the internal audit for the preceding financial year including the recommendations in the report and the actions to which the recommendations relate;*
 - (iii) a draft of the Local Government's financial statements for the preceding financial year before the statements are certified and given to the auditor-general under section 212;*
 - (iv) the auditor-general's audit report and auditor-general's observation report about the Local Government's financial statements for the preceding financial year; and*
 - (c) as soon as practicable after a meeting of the committee, give the Local Government a written report about the matters reviewed at the meeting and the committee's recommendations about the matters.*
- (2) At a meeting of the audit committee -*
 - (a) a quorum is at least half the number of members of the committee; and Local Government Regulation 2012 Chapter 5 Financial planning and accountability*

Examples -

1 If the committee consists of 4 members, a quorum is 2.

2 If the committee consists of 5 members, a quorum is 3.

(b) either -

- (i) the chairperson presides; or*
- (ii) if the chairperson is absent, the member chosen by the members present as chairperson for the meeting presides.*

- (3) The audit committee may, for performing its functions under subsection (1)(b), seek information or advice from the person who has carried out the internal audit.*
- (4) The Chief Executive Officer must present the report mentioned in subsection (1)(c) at the next meeting of the Local Government.*

Policy Implications

There are no policy implications associated with adopting the Audit Committee Charter.

Risk Implications (Strategic, Operational, Project Risks)

A clearly defined Audit Committee Charter is a risk mitigation measure that helps to ensure a high level of transparency and accountability for Council. The Committee plays an important role in providing independent assurance that Council's Enterprise Risk Management Framework is fit for purpose and ensuring Council's risks are managed, particularly as they relate to Council's financial statements, financial sustainability, and the internal audit function. The Audit Committee also provides feedback and assurance for other risk management initiatives including Council's Fraud and Corruption Control Plan and Business Continuity Plans. The establishment and continuation of the Audit Committee helps to mitigate the risk of non-compliance with legislation as it is a legislative requirement for Council to establish an audit committee.

Attachments

1. Audit Committee Charter

Audit Committee Charter



Purpose

The purpose of this charter is to outline the authority, composition, membership procedures, operational guidelines and responsibilities of the Audit Committee (the Committee).

Authority

The Committee has no executive powers, unless delegated to it by the Council through resolution.

The Committee is directly responsible and accountable to Council for the exercise of its duties and responsibilities. In carrying out its duties and responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Chief Executive Officer.

The Audit Committee is a committee of the Burdekin Shire Council and is directly responsible to the Council. In performing its responsibilities, the Committee has the authority to:

- Undertake its responsibilities in accordance with applicable Local Government Acts and Regulations.
- Conduct or authorise investigations into matters within its scope of responsibility.
- Request the attendance of any employee at Committee meetings.
- Conduct meetings with Council's internal and external auditors, if necessary.
- Request information on any controlled entity.
- Perform other functions as directed by the Council.
- Access information, records and personnel of Council to achieve the above purpose.

Role

The role of the Committee is to provide independent assurance and assistance to the Council on:

- The risk, control and compliance frameworks.
- The Council's external accountability responsibilities as prescribed in the *Local Government Act* and its *Regulations*.

The Committee will provide prompt and constructive reports on its findings directly to the Council, particularly when issues are identified that could present a material risk or threat to the Council.

Relationship with CEO and Council

The Audit Committee will endeavour to have an open, transparent and accountable relationship with the CEO and Council. Recommendations and findings of the Audit Committee shall be forwarded to the CEO and Council in a timely manner and the Audit Committee act as an independent source of counsel to the CEO and Council.

It is recognised by the Audit Committee that the CEO has a key role in supporting the effectiveness of the Audit Committee through the provision of information, enabling the availability of key personnel, and the effecting and execution of decisions made by Council following recommendations from the Audit Committee.

Internal Audit

The Committee will act as a forum for internal audit and oversee its planning, monitoring and reporting processes. This process will form part of the governance processes that ensure that Burdekin Shire Council internal audit function operates effectively, efficiently and economically.

Council has appointed a contract auditor, BDO NTH QLD, to perform the functions of internal audit. A representative from BDO will have a standing invitation to attend audit committee meetings.

External Audit

The Committee has no power of direction over external audit or the manner in which the external audit is planned or undertaken but will act as a forum for the consideration of external audit findings and will ensure that they are balanced with the view of management. The external auditor will have a standing invitation to attend committee meetings.

Membership

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council.

At least one (1) member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

Independent External Membership of the Committee is by virtue of the appointed position; no delegates of any of the independent external members are permitted.

Council has resolved to establish an Audit Committee comprising of the following members to be appointed by Council:

- a) Two (2) councillors; and
- b) Up to three (3) external independent persons with significant experience and skills as outlined below.

The three external members shall be selected as follows:

Independent Community Member

This member must be independent of Council and have not been an employee or elected member of Burdekin Shire Council within the past eight (8) years. They must be generally of good character and free of any criminal convictions. They must reside in the Burdekin Shire Local Government Area. They need not hold any particular professional qualifications but should be sufficiently experienced in business or organisational management so as to be able to participate fully in the business and functions of the Committee. They must be able and willing to subscribe to Burdekin Shire Council's Code of Conduct.

Independent Professional Member

This member must be independent of Council and have not been an employee or elected member of Burdekin Shire Council within the past eight (8) years. They must be generally of good character and free of any criminal convictions. They need not reside in the Burdekin Shire Local Government Area. They must hold duly recognised professional qualifications in Accounting, Law, Finance, Business or Risk Management and should be sufficiently experienced in business or organisational management so

as to be able to participate fully in the business and functions of the Committee. They must be able and willing to subscribe to Burdekin Shire Council's Code of Conduct.

Independent Chairperson

This member must be independent of Council and must not have been an employee or elected member of Burdekin Shire Council within the past eight (8) years. They must be generally of good character and free of any criminal convictions. They need not reside in the Burdekin Shire Local Government Area. They must hold duly recognised professional qualifications in Accounting, Finance, Business or Risk Management and should be sufficiently experienced in business or organisational management so as to be able to lead the business and functions of the Committee. The Chair shall also promote effective communications between the Audit Committee and Council, Chief Executive Officer (CEO), other senior management and the external auditors. The Chair shall ensure the Audit Committee meetings are run smoothly and that the views of all members are heard, and that the agenda and meeting papers properly reflect proceedings. They must be able and willing to subscribe to Burdekin Shire Council's Code of Conduct.

Attendees (non-voting)

Any current Councillor of Burdekin Shire Council (including the Mayor), who is not an Audit Committee Member, may attend Audit Committee Meetings as a non-voting observer.

It is noted that the Chief Executive Officer cannot be a member of the Audit Committee but can attend meetings of the Committee as an advisor and conduit between the Committee and Council officers.

Other non-voting attendees will be:

- Director Corporate and Community Services;
- Director Infrastructure Planning and Environmental Services;
- Manager Financial and Administrative Services;
- Manager Technical Services;
- Manager Client Services;
- Safety and Quality Coordinator;
- Senior Governance Officer;
- Representative of the External Auditor (QAO) and, if a contractor is appointed by the QAO, a representative of that contractor; and/or
- Invitees (non-voting) for specific Agenda Items (as requested by the Committee).

Proxy

A Councillor nominated by Council to attend in the absence of a Councillor member.

Mayor ex officio

The Mayor is an ex officio member of all Council Advisory Committees including the Audit Committee.

Recruitment and Selection of Members

The selection criteria and process for the appointment of the independent external members shall ordinarily be as follows:

1. The Council shall, through advertising, seek nominations from persons interested in being appointed to the available position. All nominees who satisfy the conditions of this charter shall be eligible for appointment.
2. The eligible persons will be interviewed by a Panel comprising the Mayor, Deputy Mayor and the Council's Chief Executive Officer who shall make recommendations to the Council.
3. Successful applicants will be required to undergo a police check.
4. Following receipt of recommendations from the Panel, the Council may appoint the independent external member by resolution.

Tenure

To allow for knowledge continuity the independent external members will be appointed for a term of four (4) years, after which they will be eligible for extension or re-appointment for a further four (4) years at the discretion of Council, following a review of their performance.

The position of Independent Community Member will become vacant in November of the year of a local government election.

The position of Independent Professional Member will become vacant in March of the year following a local government election.

The position of Independent Chairperson will become vacant in April two (2) years after a local government election.

The maximum number of consecutive terms an independent external member can be a member of the Committee without the need for calling for further nominations is two (2) terms. The only exception being if an independent external member is appointed to a different position (as a vacancy arises) on the committee, their tenure will begin again. Council shall retain complete discretion in relation to offering a second term and shall take into consideration the performance of the independent member.

Vacancy

In the case of resignation from the Committee by an independent external member, the Council is to appoint another independent external member as soon as is possible in accordance with the process set out above. This member's term will be served in accordance with the above term of office provisions regardless of when the appointment takes place.

Meetings and Attendance

The Committee will meet at least four (4) times each financial year and will adopt a meeting schedule each calendar year.

The Committee has the authority to convene additional meetings as circumstances require.

Attendance at each meeting shall be in person, unless prior approval has been granted by the Audit Committee Chair to attend via teleconference.

Representatives from the external auditor (QAO, or their contracted auditor) are permitted to attend each meeting either in person or via teleconference.

Meeting agendas will be prepared and provided in advance to members. The Committee should determine its own agenda, with input from officers, ensuring appropriate consultation to include emerging issues and emphasis on the most significant risks and threats.

As soon as practicable after the meeting, a written report about the matters reviewed at the meeting and the Committee's recommendations will be provided to the Council for consideration and adoption.

At a meeting of the Audit Committee—

- (a) a quorum is at least three (3) members of the Committee; and
- (b) either—
 - (i) the Chairperson presides; or
 - (ii) if the Chairperson is absent, the member chosen by the members present as Chairperson for the meeting presides.

Making of Recommendations

The Committee is expected to discuss agenda items and come to a consensus about the recommendations it makes to Council. Recommendations are to be recorded in the minutes and will be submitted to Council via a meeting report, with a copy of the minutes of the meeting, immediately following email acceptance of the minutes by all members. Should the Committee not be able to reach consensus on a recommendation in relation to an agenda item, each member of the Committee shall be entitled to one vote only. In the case of an equality of votes on any issue, the Chair shall have the casting vote.

Conflicts of Interest and Ethical Practices

Members are required to declare any interests that could constitute a real, potential or perceived conflict of interest with respect to participation on the Committee. The declaration must be made on appointment to the Committee and in relation to specific agenda items at the outset of each Committee meeting and be updated as necessary. Members of the Audit Committee must conduct themselves in a way which is considered appropriate and promotes a culture of ethical behaviour.

Confidentiality

All information acquired during a member's term of office on the Audit Committee is confidential to Burdekin Shire Council and should not be disclosed either during the membership or after termination (by whatever means) to third parties except as permitted by law and with prior clearance from the Chair of the Committee.

Minutes

- Secretariat support for the Audit Committee meetings will be the responsibility of the CEO.
- The secretariat, in consultation with the Chair, will prepare and send notices of meetings and agendas and accurately transcribe all decisions of the Committee.
- The secretariat will disseminate all correspondence, reports, briefing papers and other information relevant to the Committee's activities and operations.
- Completed minutes shall be forwarded by the secretariat to the Chair within three (3) working days of the Audit Committee Meeting for approval.
- The Chair is to respond to the secretariat with approval or alterations within two (2) working days.

- Minutes with any amendments from the Chair are then to be forwarded to all Committee members via email.
- Committee members are to indicate their agreement that the minutes are correct via a response email. Where no response has been provided, it will be taken that the member agrees with the minutes as they stand.
- Approved minutes are to be circulated to all Committee members and attendees as well as being presented to Council to be received and adopted at the earliest possible ordinary Council meeting.

Undertakings

The Committee will undertake the following:-

- (a) monitor and review—
 - (i) the integrity of financial documents; and
 - (ii) the internal audit function; and
 - (iii) the effectiveness and objectivity of the local government's internal auditors;
- (b) make recommendations to the Council about any matters that the Audit Committee considers need action or improvement;
- (c) review each of the following matters—
 - (i) the internal audit plan for the internal audit for the current financial year;
 - (ii) the internal audit progress report for the internal audit for the preceding financial year including the recommendations in the report and the actions to which the recommendations relate;
 - (iii) a draft of the local government's financial statements for the preceding financial year before the statements are certified and given to the auditor-general under section 212 of the *Local Government Regulation 2012*;
 - (iv) the auditor-general's audit report and auditor-general's observation report about the local government's financial statements for the preceding financial year.

In undertaking the above responsibilities, the Committee **may** carry out the following:

Financial Statements

- Review the appropriateness of accounting policies adopted by the Council and ensure the accounting policies adopted are relevant to the Council and its specific circumstances.
- Review the appropriateness of significant assumptions and critical judgements made by management, particularly around estimations which impact on reported amounts of assets, liabilities, income and expenses in the financial statements.
- Review the financial statements for compliance with prescribed accounting and other requirements.
- Review, with management and external auditors, the results of the external audit and any significant issues identified.
- Exercise caution by questioning and seeking full and adequate explanations for any unusual transactions and their presentation in the financial statements.
- Ensure that assurance with respect to the accuracy and completeness of the financial statements is given by management.

Internal Control

- Understand the scope of internal and external auditors' review of internal control and obtain reports on significant findings and recommendations, together with management's responses.

Internal Audit

- Have final authority to review and approve the annual internal audit plan and all major changes to the plan.
- Monitor the effectiveness of the internal audit function on an ongoing basis.
- Receive and review internal audit reports.
- Review the findings and recommendations of internal audit and the response to them by management.
- Review the implementation of internal audit recommendations accepted by management.

External Audit

- Review the findings and recommendations of external audit (including from performance audits) and the response to them by management.
- Review the implementation of external audit recommendations accepted by management and where issues remain unresolved ensure that satisfactory progress is being made to mitigate the risk associated with audit's findings.
- The appointment of the external auditor is controlled by the Auditor General and not by Council. The Committee therefore has limited opportunity to influence the scope of work of the auditor.
- Review the external auditors' proposed audit scope and approach.
- Monitor the progress of actions proposed in relation to significant findings and recommendations made by the external auditors.
- The Audit Committee will act as a forum for the consideration of external audit findings and will ensure that they are balanced with the views of management.

Compliance

- Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up of any instances of noncompliance.
- Review the findings of any examinations by regulatory agencies and any auditor observations.

Risk Management

- Review Council's framework for managing and monitoring enterprise-wide risk and evaluate whether management have addressed, considered and managed strategic level risks throughout the organisation.
- Gain an understanding of the current areas of greatest financial and operational risk and how management is managing these effectively.
- Regularly review the Council's Strategic Risk Register to identify areas of significant risk and determine if appropriate controls or treatments are being applied to eliminate or mitigate those risks.
- Identify areas of risk not adequately addressed or not identified in current action plans and recommend investigation into those areas for Risk Assessment purposes.

Reporting

The Audit Committee Chair will prepare an annual report to the Council summarising the performance and achievements for the previous year.

Remuneration

The independent members of the Committee will be entitled to fees for preparation and attendance at the meetings of \$796.68 (excluding GST) per meeting. This will cover all preparation time and meeting attendance as well as expenses for travel and reasonable out of pocket disbursements. The Independent Chairperson will be entitled to fees for preparation and attendance at meetings of \$1,593.39 (excluding GST) per meeting. Meeting fees shall be indexed annually from 1 July and will be consistent with any percentage increase decided by the Local Government Remuneration Commission. Council reserves the right to review the Audit Committee members' remuneration rates from time to time to determine alignment with industry norms.

Evaluation of Committee Activities

The Committee will undertake a self-assessment of its performance for the previous twelve months in February each year.

Review of Charter

The charter will be reviewed biannually by the Committee to ensure it remains consistent with the Committee's authority, objectives and responsibilities.

Once reviewed by the Audit Committee, the Charter is to be presented to Council for adoption.

Document History and Version Control

Title of Document	Audit Committee Charter
Document Reference Number	GOV-CHR-0002 Rev 2
Review Schedule	24 months
Council Meeting Date	Insert the date of the Council meeting this charter went to
Council Resolution Number	Enter the resolution number assigned from the Council meeting

7.2.1. OPERATIONS

TBSC/23/009 - Register of Pre-Qualified Suppliers - Instrumentation

File Reference: 765,766, 807

Report Author: Gary Keane, Manager Contracts

Authoriser: Wayne Saldumbide, Manager Operations

Meeting Date: 23 May 2023

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2022-2027

2.1.4. Encourage business establishment, development and expansion;

2.2.1. Support Business and industry networks;

2.4.2. Promote local employment and training opportunities;

3.2.1. Enhance water security and protect and improve water quality;

3.2.2. Improve water and sewerage network reliability and efficiency through planned infrastructure renewals and upgrades;

3.3.2. Plan, build and maintain infrastructure that enhances and extends the life of community assets

Burdekin Shire Council Operational Plan 2022-2023

The Policy's objectives states:

The objectives of this policy are to achieve advantageous procurement outcomes by:

- promoting value for money with probity and accountability; and
- advancing Council's economic, social and environmental policies; and
- providing reasonable opportunity for competitive local businesses that comply with relevant legislation to supply to Council; and
- promoting compliance with relevant legislation.

Principles states:

Council officers must have regard to the following sound contracting principles in all purchasing and disposal activities in accordance with the Act, Section 104:

Value for Money

Council must harness its purchasing power to achieve the best value for money. The concept of value for money is not restricted to price alone. The value for money assessment must include consideration of:

- contribution to the advancement of Council's priorities; and
- internal administration costs; and

Open and Effective Competition

Purchasing and disposal should be open and result in effective competition in the provision of goods and services and disposal of assets. Council must give fair and equitable consideration to all prospective suppliers or purchasers.

The Development of Competitive Local Business and Industry

Council encourages the development of competitive local businesses within its Local Government area.

Where price, performance, quality, suitability and other evaluation criteria are comparable, the following areas may be considered in evaluating offers:

- creation of local employment opportunities;
- more readily available servicing support;
- more convenient communications for contract management;
- economic growth within the local area;
- benefit to Council of associated local commercial transaction.

Executive Summary

Tenders for TBSC/23/009 – Register of Pre-Qualified Suppliers – Instrumentation closed at 2.00 pm on 29 March, 2023.

Sixteen sets of documents were requested and issued to prospective tenderers.

Five (5) tenders were received from companies at the nominated closing time. Four (4) firms have offices located in Townsville and Hamilton Instrumentation and Electrical Pty Ltd is located in Southeast Queensland.

Recommendation

That Council accepts the tenders submitted by Welcom Technology Pty Ltd, Hamilton Instrumentation and Electrical Pty Ltd, PMD Process Controls, Boundary Electrical and Instrumentation and CTC Automation Pty Ltd for the purpose of establishing a Register of Pre-qualified Suppliers - Instrumentation.

The register will be effective for a period of two (2) years from the date of Council's resolution.

Background

Council may establish a register of pre-qualified suppliers under the provisions of the Local Government Regulations 2012, Division 3 Section 232. A Local Government may enter into a contract without first inviting written quotes or tenders if the contract is entered into with a supplier from a register of pre-qualified suppliers.

A Local Government may establish a register of pre-qualified suppliers of particular goods or services only if

- (a) the preparation and evaluation of invitations every time the goods or services are needed would be costly; or
- (b) the capability or financial capacity of the supplier of the goods or services is critical; or
- (c) the supply of the goods or services involves significant security considerations; or
- (d) a precondition of an offer to contract for the goods or services is compliance with particular standards or conditions set by the Local Government; or
- (e) the ability of local business to supply the goods or services needs to be discovered or developed.

Tenders were evaluated by three (3) Council Officers, all from the Department of Operations. The key selection criteria consisted of Experience, Key Personal, Resources, Understanding, Local Content, Price, Compliance with Workplace Health and Safety and Response Time.

This is in line with provisions within Council's Procurement Policy 2022/2023.

Consultation

Tenders for the above, closing at 2.00 pm 29 March 2023 were advertised on Council's Web page and on Vendor Panel (Marketplace) on 6 March 2023.

Budget & Resource Implications

Council currently has budget allocations for the following projects

- SCADA Control upgrade and

Additionally, Council has ongoing electrical maintenance of its infrastructure and facilities.

Legal Authority & Implications

Local Government Regulations 2012, Chapter 6 Contracting

Division 3: Exceptions for medium-sized and large-sized contractual arrangements

Section 232: Exception for register of pre-qualified suppliers.

Burdekin Shire Council Procurement Policy 2022/2023.

Policy Implications

The establishment of a Register of Pre-qualified Suppliers is consistent with the Burdekin Shire Council Procurement Policy 2022/2023 as follows:

The Policy's Objectives states:

The objectives of this policy are to achieve advantageous procurement outcomes by:-

- promoting value for money with probity and accountability; and
- advancing Council's economic, social and environmental policies; and
- providing reasonable opportunity for competitive local businesses that comply with relevant legislation to supply to Council; and
- promoting compliance with relevant legislation.

Principles States:

Council Officers must have regard to the following sound contracting principles in all purchasing and disposal activities in accordance with the Act, Section 104:

Value for Money

Council must harness its purchasing power to achieve the best value for money. The concept of value for money is not restricted to price alone. The value for money assessment must include consideration of: -

- contribution to the advancement of Council's priorities; and
- internal administration costs; and

Open and Effective Competition

Purchasing and disposal should be open and result in effective competition in the provision of goods and services and disposal of assets. Council must give fair and equitable consideration to all prospective suppliers or purchasers.

The Development of Competitive Local Business and Industry

Council encourages the development of competitive local businesses within its Local Government area. Where price, performance, quality, suitability and other evaluation criteria are comparable, the following areas may be considered in evaluating offers:-

- creation of local employment opportunities;
- more readily available servicing support;
- more convenient communications for contract management;
- economic growth within the local area;
- benefit to Council of associated local commercial transaction.

Exceptions

The Regulation 2012 Chapter 6 Contracting, Part 3 Default contracting procedures at Division 3 (Sections 229-235) identifies exceptions for medium-sized and large-sized contracts. If one of the exceptions applies, Council may enter into:-

- a medium-sized contract without first inviting written quotes; or
- a large-sized contract without first inviting written tenders.

The exceptions are summarized as follows:

- Section 232 – Register of pre-qualified suppliers

Risk Implications (Strategic, Operational, Project Risks)

Council has significantly upgraded Supervisory Control and Data Acquisition (SCADA) and Telemetry infrastructure in both water and wastewater over the past three (3) years. The upgrade program architecture has been delivered by a preferred supplier to ensure consistency of hardware, software and programming logic. Operationally the new infrastructure requires maintenance of the hardware, software updates and programming adjustments to cater for short term operational network changes. A number of companies offer this service and it is considered a medium level risk to contract this service to a single reliance entity.

Attachments

None

7.3.1. PLANNING AND DEVELOPMENT

Development Application Material Change of Use for Service Station and Shop at 119-121 Edwards Street, Ayr (Lot 21 on A2652)

File Reference: 226

Report Author: Marty Pearce, Senior Planning Officer

Authoriser: Nick Wellwood, Director Infrastructure Planning and Environmental Services

Meeting Date: 23 May 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.

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

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 Bower Group on behalf of applicant, Property Projects Australia, for a Material Change of Use for a Service Station and Shop on Retail and Commercial zoned land, described as Lot 21 on A2652 and located at 119-121 Edwards Street, Ayr.

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

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

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

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

Recommendation

That Council approve the proposed Material Change of Use for a Service Station and Shop on land described as Lot 21 on A2652 and located at 119-121 Edwards Street, Ayr, subject to reasonable and relevant conditions, as included in Attachment A and Infrastructure Charges as set out in Attachment B.

Background

Proposed Development

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

Proposal plans are included in Attachment C.

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

- all existing structures and buildings will be demolished and removed from the subject site to allow for the construction of the service station and shop;
- light vehicle refuelling station and fuel canopy comprising three (3) bowsers with six (6) refuelling positions with the fuel canopy covering an area of 261m²;
- service station shop building (indicative only) comprising a gross floor area of 240m² and containing the service counter, shop component, food and drink services, storeroom, delivery area and office;
- ten (10) on site carparks (including one dedicated accessible space along the shop frontage), four (4) dedicated staff parks and six (6) tandem carparks adjacent to the bowsers;
- individual one way access and egress points onto both Edwards Street (Bruce Highway) and Munro Street;
- an enclosed refuse area located in the western corner of the subject land;
- acoustic fencing and treatment along the boundaries adjoining a sensitive use (residential dwelling);
- landscape treatments provided along the side boundaries and along the property frontages;
- two (2) underground fuel tanks adjacent to the vehicle refuelling areas;
- walkway and pedestrian facilities connecting the proposed service station building to the pedestrian network in Edwards Street; and
- a pylon sign located inside the Edward Street boundary on the alignment of the fuel forecourt canopy displaying fuel prices; and
- corporate advertising provided on the awning fascia of the fuel canopies, proposed service station shop and pylon signage.
- there will be one (1) to two (2) employees operating at the facility at any given time, however this may vary depending on specific operational requirements.

Definition of Proposed Use

The Planning Scheme defines the proposed use as both a Service Station and a Shop, as the shop component has a gross floor area greater than 100m² permitted to allow it to be an ancillary use to the Service Station use.

Service Station

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

- (a) retail sale of motoring requirements including motor fuels, lubricants, petroleum products, spare parts, tyres and motor vehicle accessories;*
- (b) retail sale of convenience shopping items and fast food, and the hire of a limited range of vehicles or trailers less than 1 tonne where the sales component does not exceed 100m² GFA; (c) repairing, maintenance and servicing of motor vehicles including facilities for the public to clean their own vehicles or cleaning service for a fee; and*
- (d) the preparation, sale and consumption of light meals to travellers where the "food component" does not exceed 30% of the gross floor area of the premises.*

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

Shop

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

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

Carparking

The development proposes:

- a service station with three (3) bowzers in total and six (6) refuelling stations.
- two (2) staff to be employed; and
- the total gross floor area for the development of 240m².

Given this, a minimum of 28 spaces in total should be provided on site according to the requirements of the scheme provisions (i.e. six (6) for the service station use and 22 spaces for the shop use).

However, the alternative solution put forward by the applicant which provides the 16 spaces proposed is adequate for the uses as the service station will be the primary generator of vehicle trips to the site.

Council officers considered this information and its recommendation and believe the 16 spaces proposed can be accepted in this circumstance and location. Any approval will be appropriately conditioned to comply to ensure adequate parking spaces are provided on site supported by efficient access and manoeuvring areas, which are to be adequate for the proposed development.

Subject Site and Surrounding Land Uses

A locality plan is provided at Attachment D. The subject site is a regular shaped existing lot, totalling 2,023m² in area, with a relatively flat topography across the site.

The existing use of the subject land is currently improved with uses comprising a gym, mechanic, massage clinic.

The subject site is located in the centre zone on the Bruce Highway through Ayr. Residential dwellings are located directly to all adjoining boundaries of the site, with commercial type uses including Coles supermarket and existing service station located in the immediate surrounds.

Infrastructure and Servicing

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

Council's sewer main infrastructure traverses the property with a sewer manhole located along the middle area of the site also.

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

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

Information Request - Council

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

1. Water and Sewerage Infrastructure
2. Roadworks, Access and Carparking
3. Stormwater

The applicant responded to this request on the 9 March 2023.

Information Request - NQSARA

The State's assessment of the application determined that the application had not adequately demonstrated compliance with the State Development Assessment Provisions, and an advice notice was issued to the applicant on the 15 February 2023, requesting an updated traffic impact assessment and a revised engineering services report and stormwater management plan.

The applicant responded to the State on the 8 March 2023, providing amended proposal plans and further supporting correspondence for both the stormwater and traffic matters.

Public Notification

The applicant undertook Public Notification between 14 March 2023 - 04 April 2023, being a minimum period of at least 15 business days, in accordance with the relevant requirements of the *Planning Act 2016*.

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

- David Morris - Concerned with the proposed landscaping, the lack of consideration for pedestrians or cyclists creating safety concerns at the intersection of Edwards and Munro Street, overall height of acoustic fence and lighting nuisance to adjoining residents.
- Kathleen Simpson - No need for proposed development and removal of old shops losing historic character.

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

Referral Agency Response

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

- Material Change of Use for a Site near a State Controlled Road.

The State issued their response on the 5 April 2023 (refer Attachment F), providing the following conditions to be attached to any development approval issued by Council:

Attachment 1—Referral agency conditions

(Under section 58(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material Change of Use		
10.9.4.2.4.1 – Material Change of Use near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The pedestrian sight triangles and corner truncation must be provided generally in accordance with the following plans: (a) Proposed Site Plan prepared by Verve Building Design Co., dated 22 March 2023, reference 22053-DA02, revision E and amended in red by SARA on 5 April 2023.	Prior to the commencement of use and to be maintained at all times.
2.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Stormwater management of the development must not cause worsening to the operating performance of the State-controlled Road, such that any works on the land must not: (i) create any new discharge points for stormwater runoff onto the State-controlled Road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the State-controlled Road; (iii) surcharge any existing culvert or drain on the State-controlled Road; (iv) reduce the quality of stormwater discharge onto the State-controlled Road; (c) RPEQ certification with supporting documentation must be provided to North.Queensland.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.	(a) At all times. (b) At all times. (c) Prior to the commencement of use.
3.	(a) Road works comprising line marking, must be provided generally in accordance with Concept Plan – Right-turn Lane Extension prepared by TTM 23 March 2023, reference 22BRT0460-05, revision C and amended in red by SARA on 5 April 2023. (b) The road works must be designed and constructed in accordance with the following: i. Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; ii. Manual of Uniform Traffic Control Devices (MUTCD); iii. Relevant Traffic and Road Use Manuals.	Prior to the commencement of use.
4.	(a) The road access locations, are to be located generally in accordance with Proposed Site Plan prepared by Verve Building	(a) At all times.

	<p>Design Co., dated 22 March 2023, reference 22053-DA02, revision E and amended in red by SARA on 5 April 2023.</p> <p>(b) Road access works to the State-controlled Road comprising of a left-in-left-out Industrial standard access and designed to accommodate articulated vehicles not exceeding 19m in length must be provided generally in accordance with Proposed Site Plan prepared by Verve Building Design Co., dated 22 March 2023, reference 22053-DA02, revision E and amended in red by SARA on 5 April 2023.</p> <p>(c) The road access works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> i. Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; ii. Manual of Uniform Traffic Control Devices (MUTCD); iii. Relevant Traffic and Road Use Manuals; and iv. Burdekin Shire Council's Standard Drawings. 	<p>(b) and (c): Prior to the commencement of use.</p>
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Assessment Summary

Refer to Attachment G for the detailed assessment.

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

Consultation

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

The application was also workshopped with the Mayor and Councillors on 4 April 2023.

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)

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

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

Attachments

1. 1 Attachment A - Recommended Conditions
2. 2 Attachment B - Infrastructure Notice
3. 3 Attachment C - Proposal Plans
4. 4 Attachment D - Locality Plan
5. 5 Attachment - Copy of Public Submissions
6. 6 Attachemnt F - NQ SARA Respones with conditions (1)
7. 7 Attachment G - Detailed Assessment

Attachment A – Recommended Conditions of Approval

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

Attachment A – Recommended Conditions of Approval

Condition		Reason	Timing
2 Approved Plans and Documents <u>Approved Plans & Documents</u> 2.1 The proposed development and use of the site must be completed, comply with and maintained generally in accordance with drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval. 2.2 The development must generally accord with the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. 2.3 One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.		The approved development must be completed and maintained generally in accordance with the approved drawings and documents.	At all times.
Approved Plans			
Drawing/Plan Title	Number/Issue	Date	
Cover Page	22053 DA00 Revision A	28 November 2022	
Existing/Demo Plan	22053 DA01 Revision B	2 March 2023	
Proposed Site Plan	22053 DA02 Revision E	22 March 2023	
Proposed Floor Plan	22053 DA03 Revision A	28 November 2022	
Building Elevation – Sheet 1	22053 DA04 Revision B	2 March 2023	
Building Elevation – Sheet 2	22053 DA05 Revision B	2 March 2023	
Building Perspective	22053 DA06 Revision B	2 March 2023	

Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
Associated Reports		
Development Application prepared by Property Projects Australia, 24 January 2023 and Further Information, 9 March 2023 and 18 April 2023.		
Landscape Concept Plan prepared by AGLA, 8 March 2023		
Traffic Assessment prepared by TTM Consulting, 6 December 2022 and Further Information, 3 March 2023		
Engineering Services report prepared by Tonkin, 13 December 2022 and Amended Report dated 7 March 2023		
Noise Impact Assessment prepared by MWA Environmental, 16 December 2022		
2.4 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
3 Outstanding charges All rates and charges (including infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.		
4 Operation of the Use/Limitations of the Approval 4.1 This approval is limited to the 'Service Station' and 'Shop' uses as defined by Schedule 1, Division 2 – Defined Uses and Use Classes of <i>Burdekin Shire IPA Planning Scheme</i> . 4.2 Specifically the approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 2. 4.3 No other operations and/or activities are allowed other than that approved by this permit. 4.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the	The development must comply with all planning scheme requirements and definitions as approved, and as conditioned by this development permit.	At all times.

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<p>development application including its supporting material provided to it by the Applicant.</p> <p>4.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.</p>		
<p>5 Lighting</p> <p>5.1 No illuminated lighting and/or signage is permitted on the canopy of the car fuel forecourt where it faces the southwestern boundary that adjoins Lot 15 on SP123435 which contains the existing highset dwelling.</p> <p>5.2 Lighting along, all internal access driveways and parking areas, is to be directed downwards so as to minimise any adverse effects of glare or direct light nuisance on all surrounding allotments, including allotments within, but must achieve a minimum level of illumination consistent with the safety of pedestrians and vehicles.</p> <p>5.3 The developer/operator must engage a suitably qualified consultant to undertake an assessment addressing light emanating from the site for this use in accordance with the levels stated in Australian Standard 4282 – 2019 Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>5.4 All illuminated signage must be turned off when the facility is closed.</p> <p>Note: <i>Australian Standard 4282</i> to be checked at time of condition to ensure it is current, in terms of year of revision.</p>	<p>To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>Prior to commencement of the use and to be maintained for the life of the development.</p>

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Condition	Reason	Timing
<p>6 Hours of Operation</p> <p>Unless otherwise agreed in writing by council, the activities associated with the use must only be conducted at the following times:</p> <ul style="list-style-type: none"> ▪ Service Station: 5am – 10pm every day. ▪ Deliveries (both Service Station and Shop supplies): 6am - 6pm every day. ▪ Refuse Collection: 7am - 6pm, Weekdays only 	<p>To ensure the development does not have a detrimental impact on the amenity of the surrounding land in accordance with relevant code/s and policy direction.</p>	<p>At all times following the commencement of the use.</p>
<p>7 Environmental Health</p> <p>7.1 Vapour recovery</p> <p>Stage 1 and 2 of the Vapour Recovery Systems (VR1) must be installed for all tanks used for the storage of flammable and/or combustible liquids on the site to return displaced vapour to the delivery vehicle during filling of the underground petroleum storage system. The Vapour Recovery System must be designed and installed in compliance with AS4897-2008 The design, installation and operation of underground petroleum storage systems and the following:</p> <ul style="list-style-type: none"> a) mixing of product must be prevented in pipework common to more than one tank b) (spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser. c) the vapour recovery point must be located within 2 metres of the respective fill point. <p>Certification must be submitted to Council from a suitably qualified person which certifies that the design, installation and operation of Vapour Recovery Systems is in accordance with this condition of approval.</p>	<p>To ensure legislative compliance with Environmental Protection Act and relevant subordinate regulations and policies.</p>	<p>Technical details are to be submitted to Council as part of an application for Operational Work and maintained for the life of the development.</p> <p>Prior to commencement of use and then to be maintained.</p>

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Condition	Reason	Timing
<p>7.2 Underground petroleum storage system</p> <p>(a) The design, installation and operation of the site and associated underground petroleum product storage system must be in accordance with the following:</p> <ul style="list-style-type: none"> i. AS4897-2008 The design, installation and operation of underground petroleum storage systems, for an Equipment Level 1 Underground Petroleum Storage System. ii. AS1940-2004 The storage and handling of flammable and combustible liquids for an Underground Petroleum Storage System. <p>Certification must be submitted to Council from a suitably qualified person which certifies that the design, installation and operation of the site is in accordance with this condition of approval.</p> <p>(b) All inlets to bulk fuel storage tanks must be located to ensure that fuel delivery trucks can stand wholly within the site while discharging fuel.</p> <p>(c) The underground petroleum storage system must include an approved leak detection system that:</p> <ul style="list-style-type: none"> i. can detect a leak from any portion of the underground storage system. ii. uses equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions. iii. is capable of detecting a leak at a rate of 0.76L per hour or more with at least 95% accuracy and a probability of false detection of 0.05 or less (United States Environmental Protection Agency (USEPA)) 		

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<p>iv. has been certified by an independent third party, consistent with the current USEPA protocols and system of verification (USEPA 1990, 40 CFR Part 280, Subpart D).</p> <p>v. Adequate procedures and measures (including an inventory control system) must be in place to monitor the storage volumes within chemical tanks to prevent overflow and to detect leaks and for the inspection and maintenance of environmental control measures, for example, bunding, wastewater containment devices, interceptors and acoustic enclosures.</p> <p>7.3 Fuel dispensing area</p> <p>a) All ground surfaces within the Fuel Dispensing Area (FDA) are to be constructed of impermeable materials free of gaps and/or cracks. Suitable materials include waterproofed, reinforced concrete or an approved equivalent.</p> <p>b) Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the demarcated areas.</p> <p>c) A containment/interceptor device (with a minimum capacity 9,000 litres) and/or treatment system to remove hydrocarbon must be installed to capture runoff from the covered forecourt areas around all fuel dispensing pumps.</p> <p>d) The tanker vehicle refuelling area must be designed so that any spillage from the tanker will drain to a containment /interceptor device (with a minimum capacity 9,000 litres).</p> <p>e) Wastewater must be removed off site by a suitably qualified person under the Environmental Protection Act 1994 or discharged in accordance with Council's Waste Policy and the Environmental Protection (Water) Policy 2009.</p>		

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Condition	Reason	Timing
<p>f) The stormwater drainage and treatment system must include a manual redirection and shut-off valve located prior to the stormwater discharge points. In the event of a major spillage or emergency event where fire water is used, the waste liquid must be directed back to the minimum 9,000 Litre containment/interceptor device, for collection and later disposal.</p> <p>g) All fuel dispensing areas (FDA) must be covered. A demarcation line is to be line marked on the drip line of the canopies.</p> <p>h) Operational plan should specify the size and certification for the efficiency of the collection system for preventing overflow.</p> <p>i) Submit to Council, certification by a suitably qualified person that the system has been installed in accordance with Development Approval conditions.</p> <p>j) All bunding must be constructed of materials which are impervious to the materials stored. The net capacity of the bunded compound shall be no less than the capacity of the largest tank or package plus 25% of the storage capacity up to 10,000L together with 10% of the storage capacity above 10,000L.</p> <p>7.4 Contaminants/Hazardous chemicals</p> <p>a) All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five per cent (25%) of the total storage capacity.</p> <p>b) An incidents register must be kept at the premises and it must record</p> <p>a) any incidents including but not limited to:</p> <p>any fire at the premises; and</p>		

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Condition	Reason	Timing
<p>b) any release of contaminants not in accordance with the development approval conditions.</p> <p>c) An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:</p> <ul style="list-style-type: none"> i. a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite; ii. a broom, shovel, face shield, iii. chemically-resistant boots and gloves; iv. and waste bags and ties. <p>d) Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.</p> <p>e) Contaminants or contaminated water must not be directly or indirectly released to surface water or groundwater at or outside the site except for:</p> <ul style="list-style-type: none"> i. uncontaminated overland stormwater flow, or ii. uncontaminated stormwater to the stormwater system. <p>f) Fuels, oils, chemicals and similar materials must be stored in bunded and covered areas or otherwise stored in a manner whereby any spillage is not subject to stormwater or stormwater runoff.</p> <p>g) Forecourts, carparking areas and driveways must not be hosed or washed to allow the release of contaminants to stormwater or into roadside gutters.</p>		

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Condition	Reason	Timing
<p>h) Any interceptor tank installed for the purpose of collecting wastewater must be maintained to ensure that there is no possibility of overflow or spillage into stormwater.</p> <p>i) Rainfall and stormwater runoff which may contact wastes or contaminants on the site must not be released to any stormwater drain, roadside gutter or waters.</p>		
<p>8 Environmental Management</p> <p>8.1 An Environmental Management Plan prepared by a suitably authorised person is to be submitted to Council for assessment and approval, prior to the commencement of any works.</p> <p>8.2 Prior to commencement of any work on the site, the applicant must submit to Council for approval, a site-based Erosion Prevention and Sediment Control Plan for the site.</p> <p>8.3 The plan must be prepared in accordance with Best Practice Erosion & Sediment Control – November 2008 (IECA White Book).</p> <p>8.4 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).</p> <p>8.5 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.</p> <p>8.6 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust</p>	<p>To manage and to minimise the risk of causing environmental harm and to ensure adequate control measures are in place.</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Works to be completed prior to the commencement of the use.</p> <p>iii. To be maintained for the life of the development.</p>

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Condition	Reason	Timing
<p>emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.</p> <p>8.7 Where potential or actual environmental harm may be caused by the approved development, Council may at any time direct the Applicant, or persons acting on behalf of the Applicant, to:</p> <ul style="list-style-type: none"> • cease an activity. • implement appropriate impact control measures. • modify work plans or methods. 		
<p>9 Site Management</p> <p>9.1 Provide a Site Based Management Plan that addresses/details at a minimum for all works occurring pre, during and post construction works; on-going site activities; cessation of use, as follows: <u>Pre and during construction and on-going site activities:</u></p> <ul style="list-style-type: none"> • Site establishment activities and works on site proposed. • Access arrangements. • On site movement and activities including parking. • All infrastructure and servicing existing on site and all existing public utilities, services and Council assets. • Material storage on site. • Stockpiling of materials on site. • Emergency response procedures for fuel spills. • Storage of hazardous materials. • Waste management. 	<p>i. To manage and to minimise disruption to the local Community and users of the site and construction workers while works are occurring and for the life of the development and at the cessation of the use.</p> <p>ii To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work</p> <p>ii. At all times during the construction phase.</p> <p>iii. Maintained for the life of the development.</p>

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Condition	Reason	Timing
9.2 Provide a professionally prepared erosion and sediment control plan for the proposed earthworks that includes stormwater management and sediment controls during and post construction, for approval by Council and installed and maintained to the satisfaction of Council.		
10 Noise Management - Acoustic Control Measures The developer must implement all the proposed mitigation measures of the Noise Impact Assessment prepared by MWA Environmental dated 16 December 2022, including (but not limited to) the following mitigation measures: <ul style="list-style-type: none"> a) Any external mechanical plant associated with the proposed development can be selected, located and/or acoustically treated to comply with the relevant continuous noise criteria. Any air compressor(s) should be located within an appropriately designed enclosure to minimise noise emissions. b) A 2.2 metre high acoustic barrier along the southern part of the western site boundary (height specified above the level of the adjacent carpark/driveway). c) A 5.5 metre high acoustic barrier along the southern site boundary (height specified above the level of the adjacent carpark/driveway). d) Bulk refuelling tanker deliveries are limited to between 7am and 7pm. B - Double vehicles (26.0m) are not permitted to carry out bulk refuelling tanker deliveries at any time. 	To ensure that the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the <i>Environmental Protection Act 1994</i> Section 440.	<ul style="list-style-type: none"> i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Works to be completed prior to the commencement of the use. iii. To be maintained during the operation and life of the development.
11 Acoustic Control Measures – Post Construction Certification 11.1 The developer must submit to council a post construction certification, one month following commencement of use, demonstrating that the recommendations of the Noise Impact Assessment prepared by WMA	To ensure that acoustic quality objectives of the <i>Environmental Protection (Noise) Policy</i> and the recommendations of the Noise Impact Assessment prepared by	Technical details are to be submitted to council within one (1) month from the commencement of the use.

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Condition	Reason	Timing
<p>Environmental outlined in Condition 10 of this approval, have been achieved.</p> <p>11.2 Certification must be provided by a suitably qualified acoustic consultant.</p> <p>11.3 Should the Post Construction Certification demonstrate that the development is not operating in accordance with the conditions, Council may commence enforcement action, until such time as compliance is demonstrated.</p>	<p>MWA Environmental dated 16 December 2022, have been effectively implemented/installed.</p>	
<p>12 Noise Management - General</p> <p>12.1 The proposed activity must be conducted in a manner that applies such reasonable and practicable means to avoid, minimise or manage the emission or likelihood of emission of noise that constitutes an intrusive or noise nuisance.</p> <p>12.2 In the event of a complaint being received by Council in relation to noise associated with the use that is considered reasonable, the emission of noise from the development must not result in levels greater than 5dB Leq above background noise at the sensitive receptor from 6am to 10pm and 3Db above background level from 10pm to 6am.</p> <p>12.3 If required, the developer/operator must engage a suitably qualified acoustic consultant to undertake an assessment addressing noise emanating from the site for this use in accordance with the provisions of the <i>Environmental Protection Act 1994</i>, <i>Environmental Protection (Noise) Policy 2019</i>, <i>Environmental Protection Regulation 2019</i> and Australian Standard AS 1055 Acoustics to the satisfaction of the Burdekin Shire Council.</p>	<p>To ensure the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>At all times during operation, for the life of the development.</p>

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<p>12.4 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of noise attenuation measures. The developer/operator must provide a copy of the report to Council and undertake any works (if required from the report) within 3 months at no cost to Council.</p>		
<p>13 Air No release of contaminants, including but not limited to dust, fumes, odour or aerosols are to cause or be likely to cause an environmental nuisance beyond the boundaries of the premises to which this development permit relates.</p>	<p>To ensure use does not cause environmental nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>At all times during operation, for the life of the development.</p>

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Condition	Reason	Timing
<p>14 Odour Management</p> <p>14.1 Implement odour control measures during the operation and life of the development to prevent an environmental nuisance from affecting nearby sensitive receptors.</p> <p>14.2 In the event of a complaint being received by Council in relation to odour associated with the use that is considered reasonable, the developer/ operator must engage a suitably qualified consultant to undertake an assessment addressing odour emanating from the site for this use in accordance with the provisions of the <i>Environmental Protection Act 1994</i>.</p> <p>14.3 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of odour attenuation measures. The developer/operator must provide a copy of the report to Council and undertake any works (if required from the report) within 3 months at no cost to Council.</p>	<p>To ensure that the use does not cause an odour nuisance to nearby sensitive receptors, in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>During the operation and life of the development.</p>
<p>15 Refuse Facilities and Waste Management</p> <p>15.1 Refuse collection arrangements must be provided by the developer to the satisfaction of Council.</p> <p>In particular:</p> <ul style="list-style-type: none"> a) The approved waste storage area is to be of sufficient size to house all garbage bins including recycling bins. b) Storage area is suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection, provided. 	<p>To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant code/s and policy direction.</p>	<ul style="list-style-type: none"> i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Works to be completed prior to the commencement of the use.

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Condition	Reason	Timing
<p>c) All waste generated as a result of the construction of the development is to be effectively controlled and contained entirely within the boundaries of the site prior to disposal.</p> <p>15.2 All waste is to be disposed of in accordance with the <i>Environmental Protection Regulation 2019</i> and Council's waste management policy.</p> <p>15.3 Waste and recycling services must be provided in accordance with Council's Waste Management Policy.</p> <p>15.4 Wastewater and solid waste shall not be released to stormwater, groundwater, waterbodies or onto the ground.</p> <p>15.5 Wastewater from the Oil Water Solid Separator must be disposed of into the on-site treatment and disposal system.</p> <p>15.6 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.</p> <p>15.7 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.</p> <p>15.8 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:</p> <ul style="list-style-type: none"> a) the date, quantity and type of waste removed; b) a copy of any licensed waste transport vehicle dockets; c) the name of the licensed regulated waste removalist and/or disposal operator; and d) the intended treatment and/or disposal destination of the waste. <p>These records must be available for inspection by Council when requested.</p>		<p>iii. To be maintained during the operation and life of the development.</p>

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Condition	Reason	Timing
16 Acid Sulfate Soils Management Should the soil and groundwater investigations reveal the presence of acid sulfate soils or potential acid sulfate soils, an Acid Sulfate Soils Management Plan must be prepared and submitted to Council for approval.	To ensure potential adverse impacts on the natural and built environment including infrastructure and human health as a result of acid sulfate soils are avoided in accordance with relevant legislation, code/s and policy direction.	If required, technical details are to be submitted to council as part of an application for Operational Work.
17 Car Parking, Access, Roadworks and Traffic 17.1 Parking layouts must be generally in accordance with the provisions contained in the supporting material included in the plans submitted with the application. 17.2 All On-site parking must be designed in accordance with Australian Standard AS2890.1 (Off-street Parking) and certified by an RPEQ. 17.3 All car parking facilities must be always maintained to a safe operating standard thereafter. 17.4 All vehicles must enter and exit the site in a forward direction. 17.5 There must be appropriate signage and pavement marking to delineate the direction of traffic entering and exiting the site. All pavement marking must be in accordance with the MUTCD and to the satisfaction of the Council. 17.6 Accesses to the premises, car parking and manoeuvring areas must be constructed in an all-weather, suitably sealed, low glare paving (bitumen, asphalt, concrete) to the satisfaction of the Chief Executive Officer.	To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.	i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Works to be completed prior to the commencement of the use. iii. To be maintained during the operation and life of the development.

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17.7 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.		
18 Sewerage Supply 18.1 The development must be connected to Council's sewerage network. 18.2 Submit for the approval of development assessment engineering drawings for sewer infrastructure, certified by a Registered Professional Engineer Queensland (RPEQ) and in accordance with Council's requirements and all other relevant standards and policies. 18.3 Design, construct and maintain all sewerage works in accordance with the approved drawings, documents, relevant Council policies, guidelines and standards and the provisions of a development permit for Operational Works for Engineering Work – Sewerage Works. 18.4 Sewer manhole must be raised or otherwise constructed to avoid infiltration by stormwater. 18.5 Sewer manhole to be of correct classification for design traffic loads. 18.6 Inspection openings on sewer connection points must be raised to surface and trafficable. 18.7 The development is to be serviced by a single sewer connection point, with the remaining connection point to be removed and manhole re-benched.	To ensure that the development is appropriately serviced by reticulated sewer infrastructure in accordance with relevant code/s and policy direction.	i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Works to be completed prior to the commencement of the use. iii. To be maintained during the operation and life of the development.
19 Build over sewer/Adjacent to Services All structures are to be built in accordance with Council's "Erection of Structures Over or Adjacent to Sewers or Water Mains Policy".	To ensure development is appropriately constructed in accordance with relevant code/s and policy direction.	i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Works to be completed prior to the commencement of the use.

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Condition	Reason	Timing
		iii. To be maintained during the operation and life of the development.
20 Water Supply 20.1 The development must connect to council's reticulated water system. 20.2 Submit for the approval of development assessment engineering drawings for water infrastructure, certified by a RPEQ and in accordance with Council's requirements and all other relevant standards and policies. 20.3 Design, construct and maintain all water works in accordance with the approved drawings, documents, relevant Council policies, guidelines and standards and the provisions of a development permit for Operational Works for Engineering Work – Water. 20.4 The development must be serviced by the existing water service and meter located in Edwards Street. 20.5 The existing service and water meter located in Munro Street must be disconnected and returned to Council. 20.6 Provide sufficient on-site storage for firefighting purposes adequate to service the needs of the ultimate development.	To ensure that the development is appropriately serviced by reticulated water infrastructure in accordance with relevant code/s and policy direction.	i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Works to be completed prior to the commencement of the use. iii. To be maintained during the operation and life of the development.
21 Stormwater and Flooding 21.1 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100. 21.2 Submit for approval, development assessment engineering drawings for stormwater drainage infrastructure, certified by a Registered	i. To ensure the premises appropriately manages and conveys stormwater legally and in an environmentally responsible manner in accordance with relevant	i. Technical details are to be submitted to Council as part of an application for Operational Work ii. Works to be completed and documentation signed by a

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<p>Professional Engineer Queensland (RPEQ) and in accordance with Council's requirements and all other relevant standards and policies.</p> <p>21.3 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>21.4 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p> <p>21.5 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.</p> <p>21.6 The approved development must achieve the applicable stormwater management design objectives listed in Part G, Appendix 2 of the <i>State Planning Policy, July 2017</i>.</p>	<p>standards, code/s and policy direction.</p> <p>ii. To ensure the development is appropriately immune from flood water and that existing landowners and/or users are not adversely affected by waterway flooding for all events up to and including Q100, in accordance with relevant code/s and policy direction.</p>	<p>RPEQ including certification that the development will not cause adverse effects to adjoining or downstream properties or infrastructure as a result of flooding impacts must be submitted before the commencement of the use.</p> <p>iii. To be maintained for the life of the development.</p>
<p>22 Engineers Certification</p> <p>Form 12 required to be submitted and certified by an RPEQ stating all the civil works have been constructed in accordance with the supplied drawings and WSAA standards.</p>		<p>i. Civil works to be completed and documentation signed by a RPEQ must be submitted before the commencement of the use.</p> <p>ii. To be maintained for the life of the development</p> <p>iii.</p>

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Condition	Reason	Timing
<p>23 Landscaping and Fencing provisions</p> <p>23.1 Provide along all street/road frontages, excepting pedestrian and vehicle access points and sight splay areas nominated in the Referral Agency Response:</p> <p>a) a minimum 2.0m wide landscaping strip planted with suitable plant species in accordance with Council's Policy.</p> <p>23.2 Provide along all property boundaries adjoining residential and/or other uses:</p> <p>a) a minimum 2.0m wide landscaping strip planted with suitable plant species in accordance with Council's Policy for the entire length of these boundaries, located internally adjacent to the boundary fencing.</p> <p>23.3 The applicant shall submit, with the Operational Works application, a Landscaping Plan for the site. To guide species selection, the landscaping plan shall be in accordance with Council's Plant and Trees list. Plant species list and must avoid any weeds species.</p> <p>23.4 Before the use starts or by such later date as is approved by council, the landscaping works shown on the endorsed plans must be carried out and completed. The landscaping shown on the endorsed plans must be maintained to including that any dead, diseased or damaged plants are to be replaced.</p> <p>23.5 Acoustic fencing is to be designed, located and constructed strictly in accordance with the requirements of the Noise Impact Assessment prepared by MWA.</p> <p>23.6 The type and design of all other fencing proposed on site must be submitted and approved by the Chief Executive Officer as part of the Landscaping Plan.</p>	<p>To ensure the development:</p> <p>(i) addresses privacy requirements for users;</p> <p>(ii) softens the visual impact of the development;</p> <p>(iii) complements or enhances the existing streetscape;</p> <p>(iv) does not have a detrimental effect on the amenity of the surrounding land; and</p> <p>(v) addresses Crime Prevention through Environmental Design principles in accordance with the relevant code/s and policy direction of Council.</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work</p> <p>ii. Works to be completed before the commencement of the use.</p> <p>iii. To be maintained for the life of the development.</p>

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23.7 Landscaping and irrigation and/or screen fencing must be constructed in accordance with the approved landscaping plan(s) and constructed to the relevant standards in accordance with council's specification.		
24 Building Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.	To ensure protection of matters of public safety and amenity in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the development.
25 Screening of Plant and Utilities All plant and utilities must be screened or located so as not to be visible from the street.	To ensure the development does not have a detrimental effect on the amenity of the surrounding area in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the development.
26 Signage 26.1 Any signage to be associated with the use must be designed to the satisfaction of Council. 26.2 To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.	To maintain amenity for the adjoining properties.	Prior to the commencement of the use.
27 Electricity and Communications Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.		
28 Property Numbering 28.1 Legible property numbers must be erected at the premises and must be maintained.		

Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
28.2 The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.	To allow the general public, service and emergency service providers to effectively identify the property.	Prior to the commencement of the use and maintained for the life of the development.
29 Storage 29.1 Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare. 29.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided. 29.3 Any storage on site is required to be screened from view from all roads and adjacent properties.	To ensure the development does not have a detrimental effect on the visual amenity of the surrounding area in accordance with relevant code/s and policy direction.	At all times following the commencement of the use.
30 Commencement of Construction Works Council must be notified in writing of the proposed construction commencement date via Planning@burdekin.qld.gov.au	To ensure Council is appropriately informed of construction works commencing.	At least two (2) weeks prior to commencement of works.
31 Notice of Intention to Commence the Use Prior to the commencement of the use on the land subject to the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.	To ensure Council is appropriately informed of that the use commencing and that all conditions of the relevant development permits have been complied with.	Prior to the commencement of the use.

Attachment A – Recommended Conditions of Approval

Advice
1 Infrastructure Charges An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.
2 General Council will not be obligated to upgrade any roads that provide access to the development as a result of increased vehicles numbers accessing the site.
3. Further Approvals Required a) Operational Work An Operational Work application associated with the following conditions must be submitted to Council for approval prior to the commencement of construction works and/or issue of a Development Permit for Building Works, unless otherwise approved by Council: Condition 15 - Refuse Facilities and Waste Management Condition 17 – Car Parking, Access, Roadworks and Traffic Condition 18 – Sewerage Supply Condition 19 – Build over sewer/Adjacent to Services Condition 20 – Water Supply Condition 21 - Stormwater and Flooding All plans, reporting and documentation associated with these further approvals must be prepared by a suitably qualified professional. b) Plumbing and Drainage Works. A Compliance Permit to carry out plumbing and drainage works prior to the commencement of sanitary drainage works. c) Building Works A Development Permit for Building Works to carry out building works prior to works commencing on site. d) Road Works Permit A Roadworks permit for the construction of a driveway or access within the road reserve must be obtained.
4 Further Inspections Required Compliance with Conditions The following inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval. Condition 23 – Landscaping and Fencing provisions

Attachment A – Recommended Conditions of Approval

Condition 24 - Building Materials

Condition 25 - Screening of Plant and Utilities

Condition 28 - Property Numbering

Condition 29 - Storage

5 Shop Fit Out

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

6 Amenity Impacts

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

7 Environmental Health – Construction Phase

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

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

Attachment A – Recommended Conditions of Approval

<p>i) Dust control measures should be implemented onsite during the construction phase to prevent an environmental nuisance from affecting the occupiers and users of nearby premises.</p>
<p>8 General Safety of Public During Construction</p> <p>a) It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.</p> <p>b) It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.</p> <p>c) It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.</p>
<p>9 Storage of Materials and Machinery</p> <p>All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by council.</p>
<p>10 Asbestos</p> <p>All asbestos removed from the site must be handled, transported and disposed of in accordance with the relevant legislation.</p>
<p>11 Trade Waste Approval/Agreement</p> <p>The developer is advised that a Trade Waste Approval/Agreement may be required under the <i>Water Supply (Safety and Reliability) Act 2008</i>.</p>
<p>12 Plant and Utilities Noise</p> <p>All refrigeration equipment, pumps, compressors, air conditioning units and mechanical ventilation systems must be located, designed and installed to not exceed a maximum noise level of:</p> <ul style="list-style-type: none"> ▪ 5dB(A) above background level between the times of 7am to 10pm; and ▪ 3 dB(A) above background level between the times of 10pm to 7am.
<p>13 Flammable and Combustible Liquids</p> <p>Flammable and combustible liquids are to be stored and handled in accordance with AS 1940 The Storage and Handling of Flammable and combustible Liquids.</p>

Attachment A – Recommended Conditions of Approval

14 Chemical Storage

Where chemicals are stored or handled on site, the storage and handling of chemicals must be in accordance with the relevant WHS Code of Practice.

15 Clearance to Structure (Ergon Energy)

The development site may be within 5m of an overhead powerline owned by Ergon Energy. There are strict legal and safety requirements for any buildings

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

16 Shadowing

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

17 Miscellaneous

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

Referral Agency Conditions

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

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

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT:	Bower Group
APPLICATION:	Material Change of Use for Service Station and a Shop
Notice Number:	ICN2023-008
DATE:	23 May 2023
FILE REFERENCE:	MCU23/0002
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$6,540.00 Total \$0.00 Water Supply Network \$0.00 Sewerage Network \$0.00 Transport Network \$0.00 Public Parks and Community Land Network \$6,540.00 Stormwater Network
AUTOMATIC INCREASE OF LEVIED CHARGE:	The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.
LAND TO WHICH CHARGE APPLIES:	Lot 21 on A2652
SITE ADDRESS:	119 -121 Edwards Street, Ayr
PAYABLE TO:	Burdekin Shire Council
WHEN PAYABLE: <i>(In accordance with the timing stated in Section 122 of the Planning Act 2016)</i>	Material Change of Use – When the use commences
OFFSETS OR REFUNDS:	Not Applicable.

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

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail)	240m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$4,320.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Buildings	969m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$17,442.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail)	240m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$4,320.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Buildings	969m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$17,442.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail)	240m ²	\$ per m ² GFA	\$19.00	CR Table 2.2	\$4,560.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Building	969m ²	\$ per m ² GFA	\$19.00	CR Table 2.2	\$18,411.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail)	1623m ²	\$ per impervious m ²	\$10.00	CR Table 2.2	\$16,230.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing impervious	969m ²	\$ per impervious m ²	\$10.00	CR Table 2.2	\$9,690.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
Commercial - Retail	\$0.00	\$0.00	\$0.00	\$0.00	\$6,540.00	\$6,540.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$6,540.00	\$6,540.00

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

Yours faithfully

Kellie Galletta

MANAGER PLANNING AND DEVELOPMENT

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI Index applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI Index average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2009</i> are GST exempt.
To whom the charge must be paid	<p>Payment of the Charge must be made payable to BURDEKIN SHIRE COUNCIL, PO Box 974, Ayr, Qld 4807.</p> <p>The Infrastructure Charge has been calculated in accordance with the charges stated in Council's Charges Resolution. This notice will be escalated to time of payment to the extent permitted under legislation in force at that time.</p>

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

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

Payment

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

Overseas Payees

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

Method of Payment**PAYMENT BY MAIL**

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

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

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT AT COUNCIL OFFICES

Confirm the current Infrastructure Charge applicable.

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

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT MADE BY CREDIT CARD

Credit Cards accepted: Mastercard or Visa

Enquiries

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

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

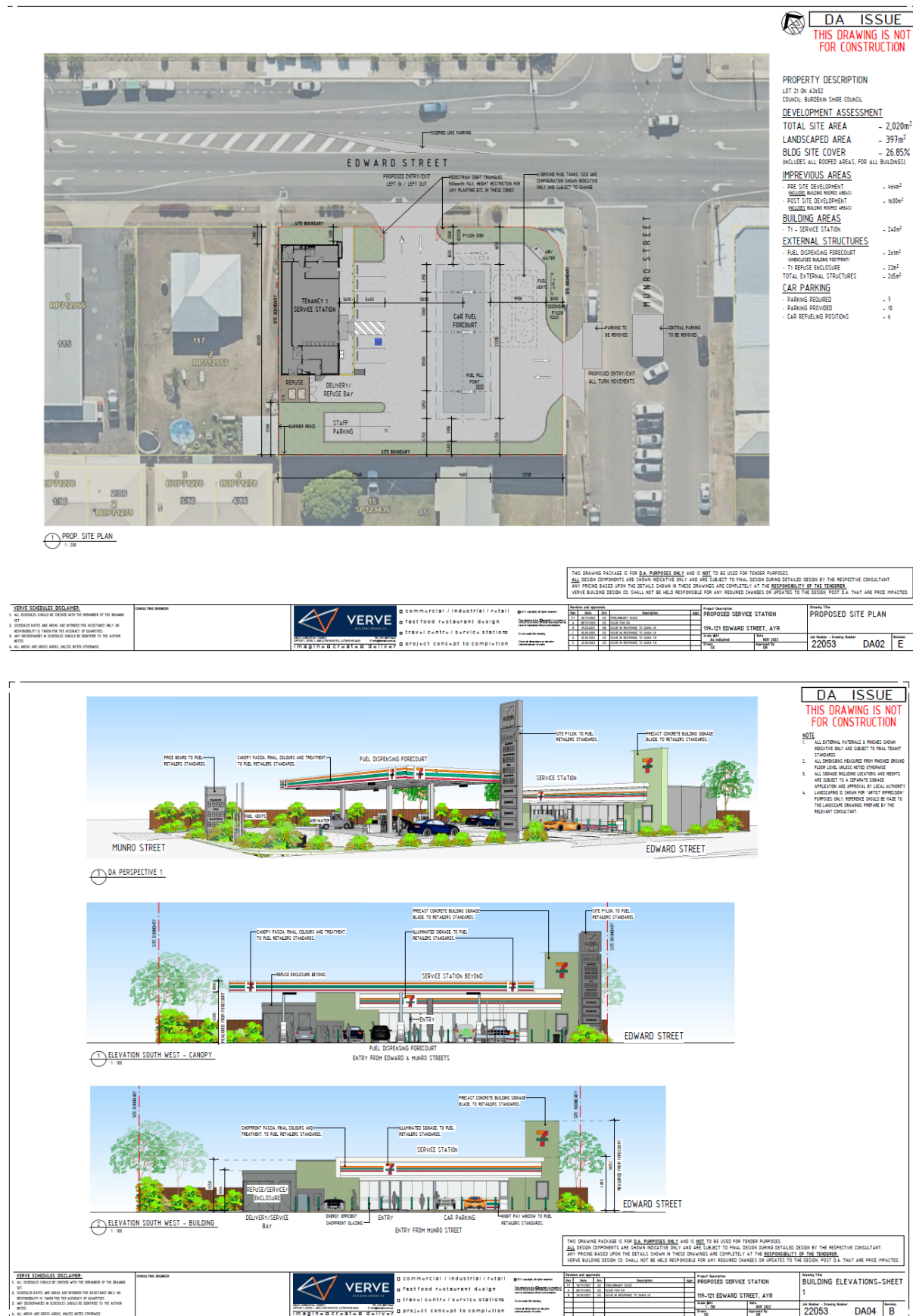
- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building;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

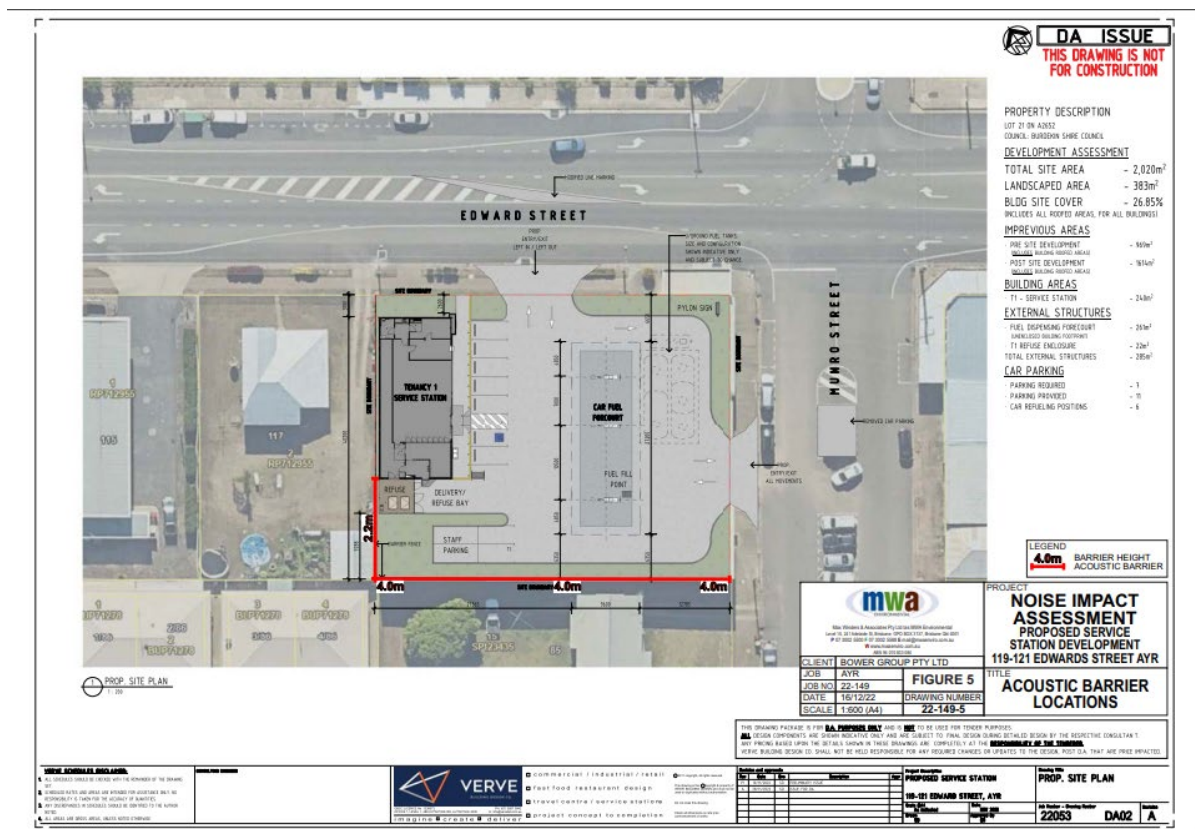
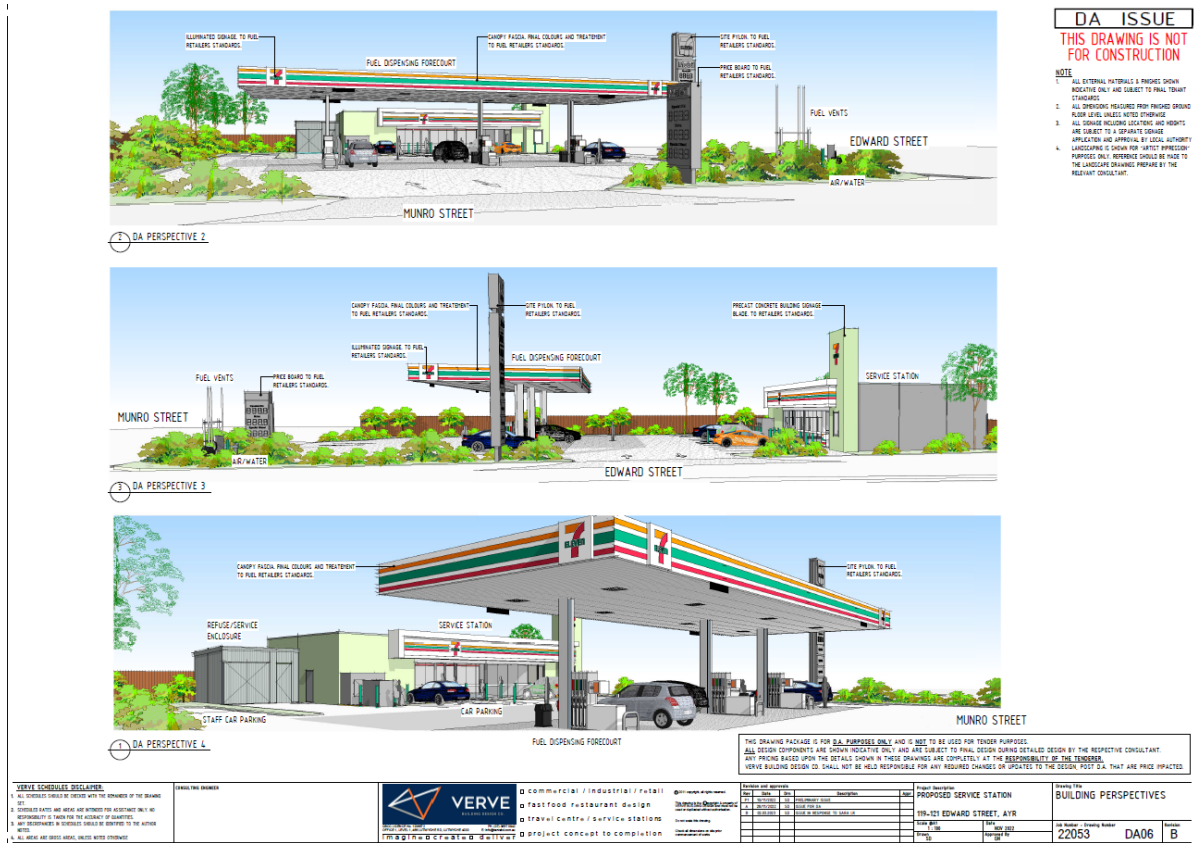
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column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

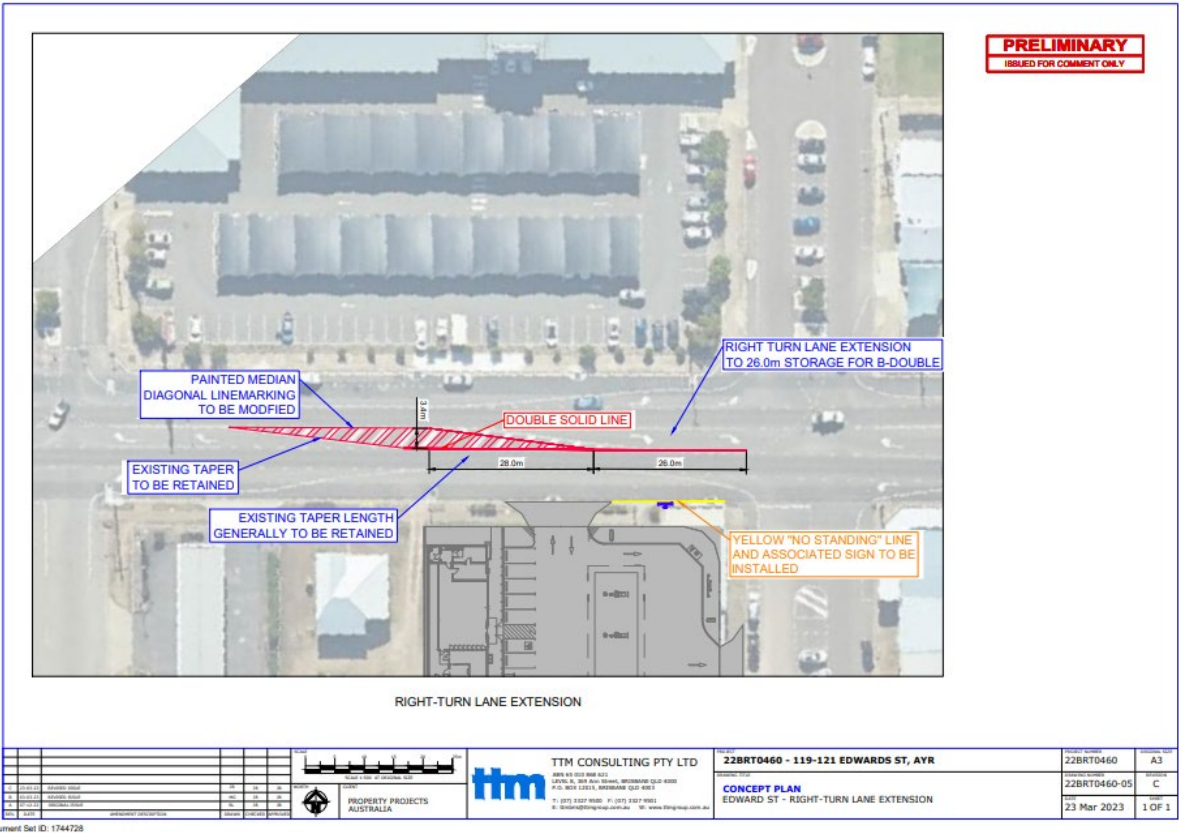
Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

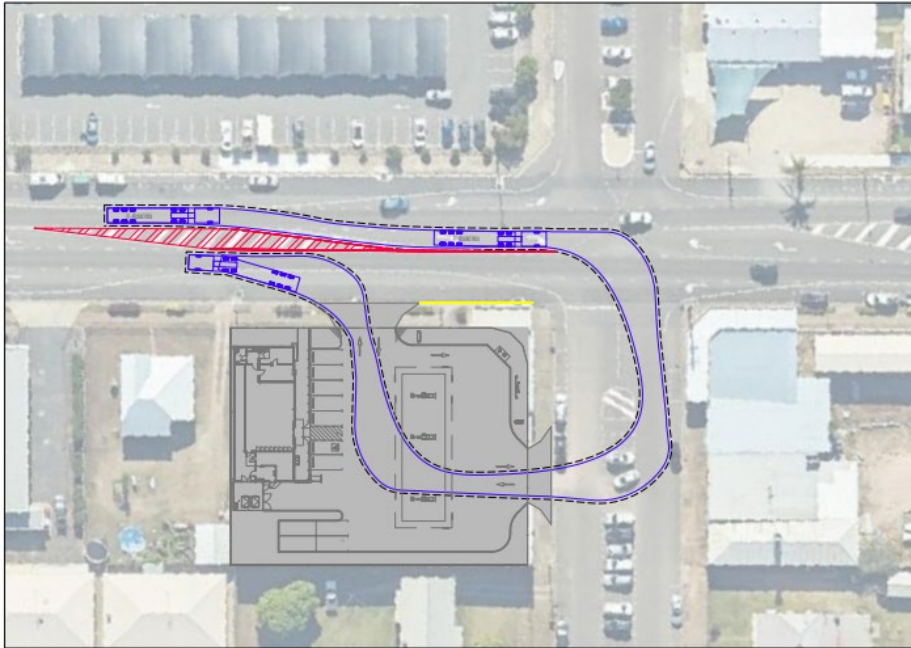
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds –</p> <p>(a) The notice involved an error relating to –</p> <p style="padding-left: 20px;">i) The application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge –</i></p> <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">ii) The working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">iii) An offset or refund; or</p> <p>(b) There was no decision about an offset or refund; or</p> <p>(c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>(d) For an appeal to the P&E Court – the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-

Attachment C – Proposal Plans

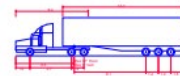








PRELIMINARY
ISSUED FOR COMMENT ONLY

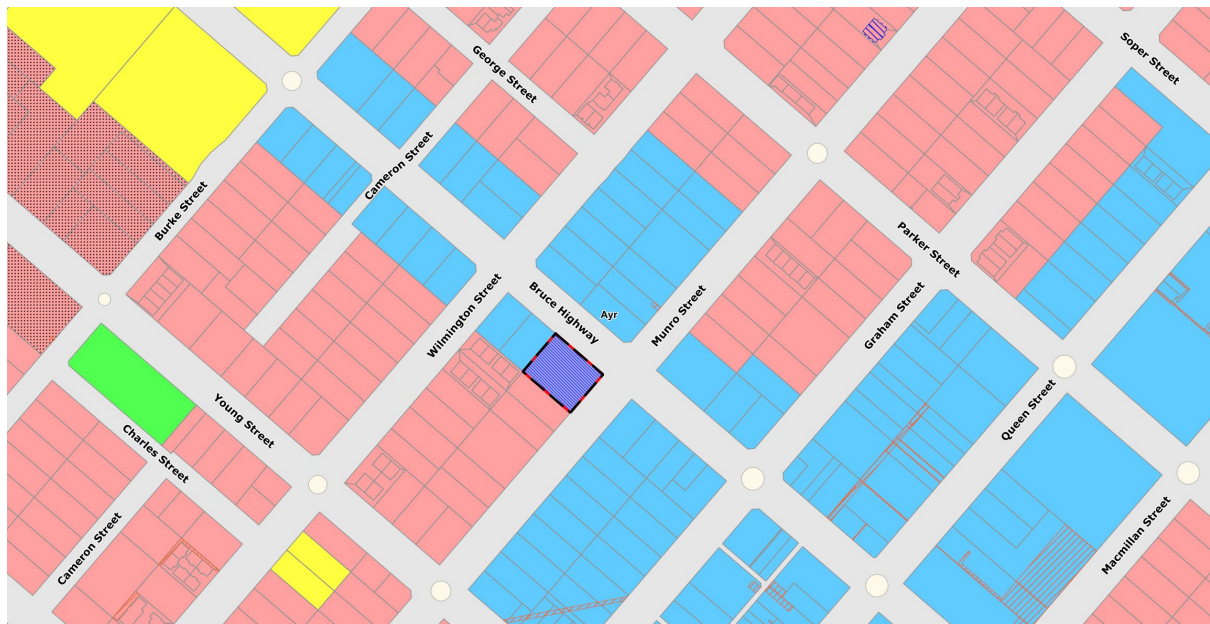


AV - Articulated Vehicle
Overall Length 19.00m
Overall Width 3.00m
Wheelbase 3.00m
Front Overlap 3.00m
Rear Overlap 3.00m
Turn Radius 12.00m

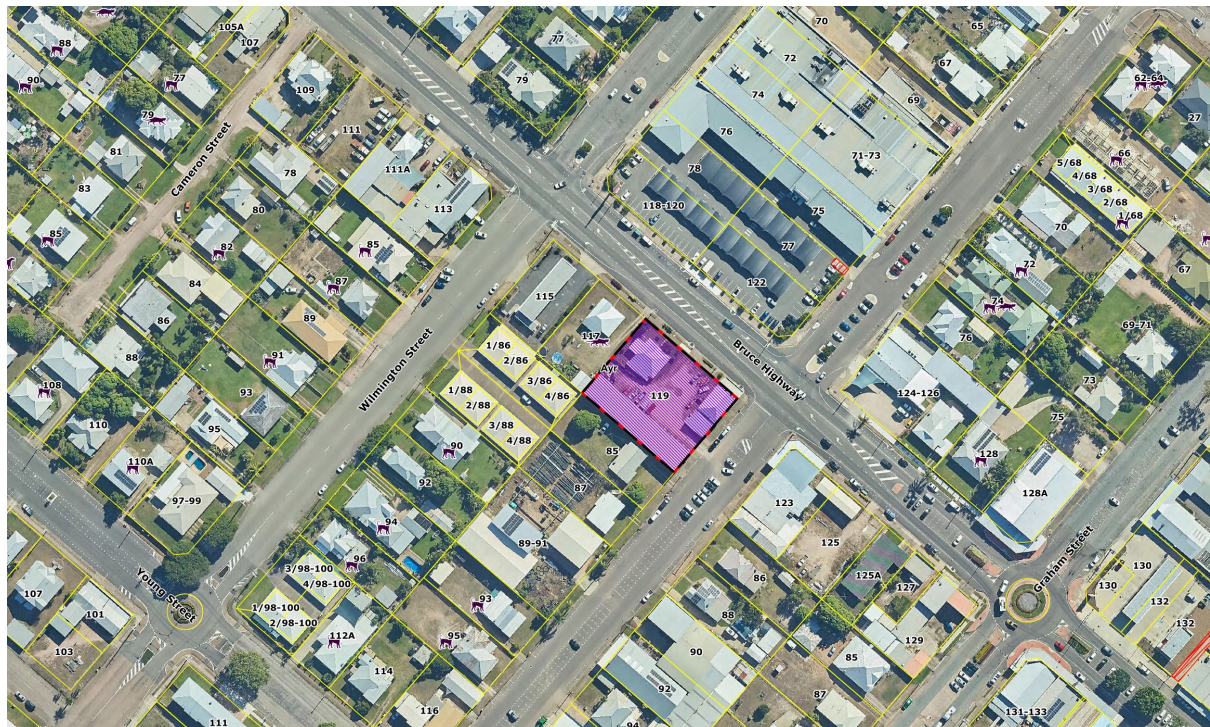
AV CIRCULATION THROUGH SITE VIA RIGHT-TURN FROM EDWARDS ST

												TTM CONSULTING PTY LTD 60N 61 02D RD A31 AYR QLD 4300, QLD RAIL STATION, MURDOCH QLD 4300 1101 WICK LANE, MURDOCH QLD 4300		PROJECT 228BRT0460 - 119-121 EDWARDS ST, AYR		PROJECT NUMBER 228BRT0460		REVISION A3	
1. CLIENT		PROPERTY PROJECTS		REV		NO		DATE		DRAWN		CHECKED		DESIGN TITLE VEHICLE SWEEP PATH ANALYSIS		DRAWN NUMBER 228BRT0460-01		CHECKED C	
2. PROJECT		ROADWAY STUDY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV		DATE 23 Mar 2023		PAGE 1 OF 1	
3. DRAWN BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
4. CHECKED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
5. APPROVED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
6. DATE		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
7. PROJECT		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
8. DRAWN BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
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10. APPROVED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
11. DATE		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
12. PROJECT		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
13. DRAWN BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
14. CHECKED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
15. APPROVED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
16. DATE		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
17. PROJECT		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
18. DRAWN BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
19. CHECKED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
20. APPROVED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
21. DATE		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
22. PROJECT		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
23. DRAWN BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
24. CHECKED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
25. APPROVED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
26. DATE		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
27. PROJECT		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
28. DRAWN BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
29. CHECKED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
30. APPROVED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
31. DATE		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
32. PROJECT		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
33. DRAWN BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
34. CHECKED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
35. APPROVED BY		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
36. DATE		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
37. PROJECT		REV		NO		DATE		DRAWN		CHECKED		DESIGN VEHICLE - 19.0m AV							
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Attachment D – Locality Plan



Rural	Residential Low Density Sub Area	Industry Investigation Sub Area
Rural Nature Based Recreation Sub Area	Retail and Commercial	Public Purpose
Rural Settlement Sub Area	Industrial	Village
Residential	Extractive Industry Sub Area	Open Space & Recreation





From: "David Morris" <david.morris@y7mail.com>
Sent: Mon, 20 Mar 2023 14:51:44 +1000
To: "RES - Mailbox - Planning" <Planning@burdekin.qld.gov.au>; "RES - Mailbox - Email Registration" <EmailRegistration@burdekin.qld.gov.au>
Subject: Comments on development application MCU23-0002
Attachments: Ayr Construction Proposal - Attachment 1.pdf, Development Application - Comment_David Morris.pdf
Categories: 00_Inward

To the Town Planning Unit and Assessment Manager of Burdekin Shire,

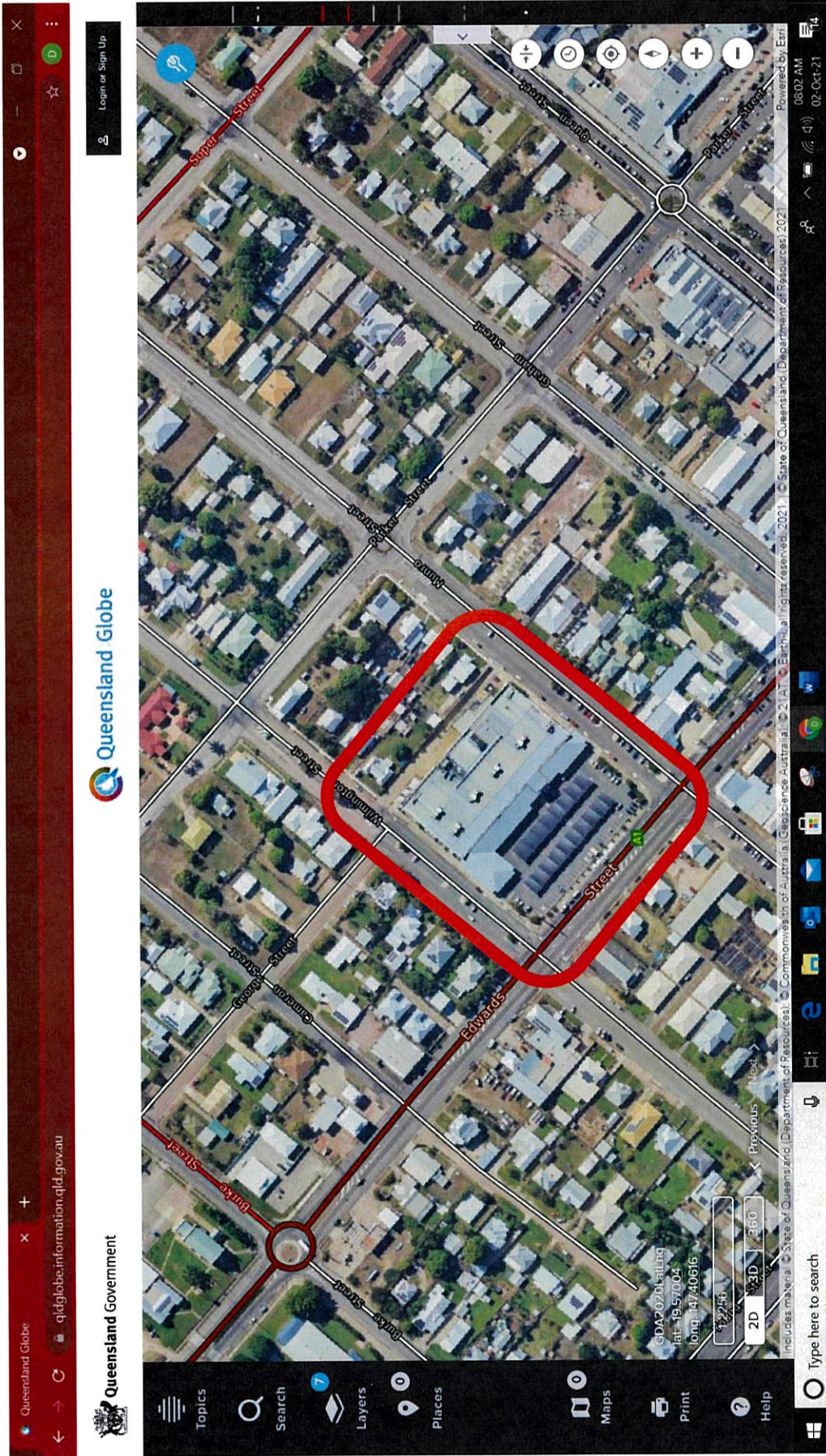
Please see my attached submission regarding the proposed development at 119-121 Edwards Street, Ayr. (MCU23-0002)

Regards

David Morris

Township of Ayr – Construction project proposal

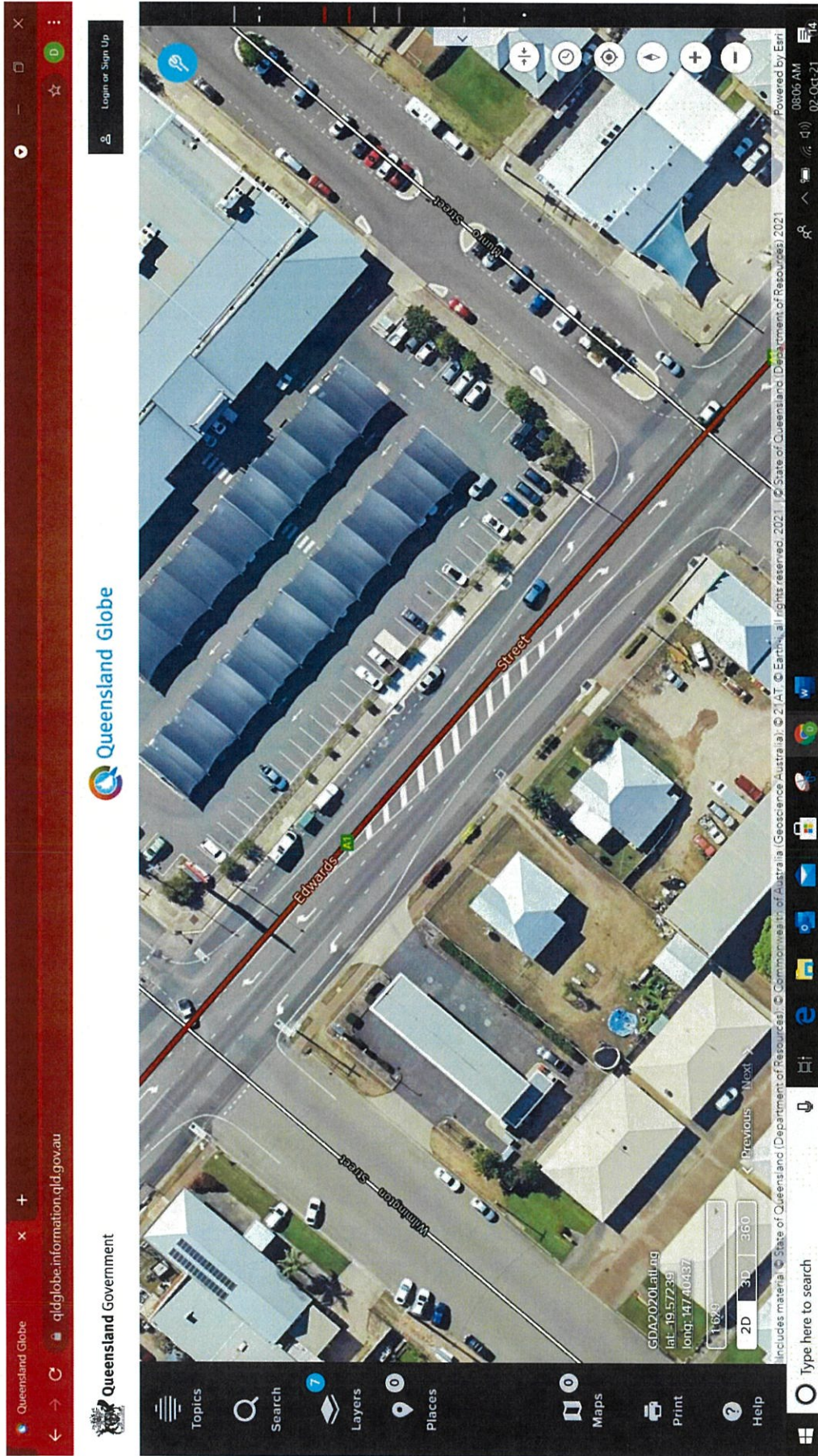
Enhancement of pedestrian facilities to the Burdekin Plaza site.



Burdekin Plaza (overview)

(Bordered by Edwards, Wilmington, Parker, and Munro Streets)

Page | 1



Location of proposed works:

Edwards Street – (Between the intersections of Wilmington and Munro)

Specifics of the proposal:

- Kerb cutting outside 119 Edwards Street (Townsville bound side of Bruce Highway)

(Approximate location: <https://w3w.co/pinches.diplomat.shopping>)

- Kerb cutting outside Burdekin Plaza (Bowen bound side of Bruce Highway)

(Approximate location: <https://w3w.co/tallest.task.punt>)

(Pedestrian curb cutting to be undertaken as per Department of Transport and Main Roads Standard Drawing 1447: Ramped and cut through treatment for pedestrian facilities)

- Creation of a fenced pedestrian island in the median strip of Edwards Street. The design of such a pedestrian refuge to follow a similar pattern of construction as per the existing protected pedestrian islands on Queen Street (such as outside the Burdekin Theatre or the Amcal Pharmacy) or the design on Edwards Street between Hoey and Burke Streets.

(Pedestrian island construction to be undertaken as per Department of Transport and Main Roads Drawings 1447 & KRG1)

- A zebra crossing to be painted on Edwards Street from the kerb cuttings to the proposed fenced pedestrian island noted above.
- The owners of the Burdekin Plaza to be petitioned by the shire for the construction of the following works:
 - a) The removal of the nature strip and associated shrubbery on the Bowen side of the trolley corral and the area to be concreted to the width of a car parking space.
 - b) The conversion of the existing parking space on the Bowen side of the trolley corral into a pedestrian pathway.
 - c) A pedestrian walkway (zebra crossing) painted from the approximate location of <https://w3w.co/loafer.frock.poster> to <https://w3w.co/napkins.race.slide>.

Planning issues to consider:

- Elimination of two existing car parking spaces:

- a) One on-street parking space on Edwards Street outside the trolley corral and
- b) One in-plaza carparking space on the Bowen side of the trolley corral.

However, it should be noted that additional car parking spaces have been provided in the public road system along and in the centre of Munro and Wilmington Streets since the opening of the Burdekin Plaza. The loss of two car parking spaces (on Edwards Street and within the centre's parking facility) should have minimal commercial cost to the operation of the plaza.

- The construction and installation of a zebra crossing and pedestrian island leading to the Burdekin Plaza is a formal recognition by the shire that the traditional pedestrian focussed central business district (CBD) or business precinct of Ayr has now grown.
- Such a pedestrian focussed approach to this area shall be a signal to the nearby residents on the south-western side of Edwards Street that their safety and security as non-vehicular road users are prioritised over the interests of car users. Just as pedestrians who access the entertainment and retail facilities on Queen Street, or the school children who exit St Francis Catholic Primary School and wish to walk to the Northern side of Edwards Street are protected with appropriate road safety mechanisms, so too will the pedestrians who wish to access the retail facilities within the Burdekin Plaza.
- There is an existing pedestrian pathway system along the southern side of Edwards Street stretching from the St Francis Catholic Primary School to the current Ayr CBD. This existing investment in the pedestrian pathway system is an important component in the Burdekin Shire's efforts to make Ayr a more pedestrian friendly environment and so meet its obligations to the Queensland State Government's policy of promoting walkable communities. (<https://www.tmr.qld.gov.au/Travel-and-transport/Pedestrians-and-walking/Queensland-Walking-Strategy>). Through the installation of an additional pedestrian crossing facility (similar to the either the more aesthetically significant structures on Queen Street or the simpler format as found outside St Francis Catholic Primary School, this existing investment by the shire shall ensure that the pedestrian pathway system can be enhanced and subsequently better utilised.

Comment on development application, Re: 119-121 Edwards Street Ayr

To the Assessment Manager of the Burdekin Shire Council,

My name is David Morris and I believe that I am an interested party to the development due to my ownership of a property (85 Munro Street, Ayr, Qld, 4807) which is immediately adjacent to the development site in question.

I am writing this submission in an effort to comment on and object to several aspects of the intended development works at 119-121 Edwards Street, Ayr, Qld, 4807 (Lot 21, Plan A2652).

The comments contained within this submission are based on national, state, and local government regulations as well as publically stated governmental policy objectives. Furthermore, I believe that the developer and their agents (Bower Group and Property Projects Australia/TTM Consulting/Tonkin/Verve Building Design Company/MWA Environmental/Andrew Gold Landscape Architecture) have failed on numerous fronts to take into account the true and total impact of the proposed development at 119-121 Edwards Street. This statement is based on the impact on the health and wellbeing of their immediate neighbours as well as the broader community of the Burdekin Shire and the township of Ayr.

All comments raised against the development are based on the downloaded submission documents found on the Burdekin Shire Council website:

<https://www.burdekin.qld.gov.au/downloads/file/2832/mcu23-0002-material-change-of-use-service-station-and-shop-bower-group-c-property-projects-australia-application>

When the development application by Bower Group is examined the following points of concern soon become apparent:

Page 13, Section 2.6.3 Landscaping

This section proposes that the informal raised garden beds be eliminated outside the proposed development site and, according to Bower Group, instead be replaced with "turf, which is a more appropriate streetscape treatment".

Objection:

Between the intersections with Graham Street and Burke Street, Edwards Street has a distinctly different style to the feeling that one may have in other designated retail and commercial zones in Ayr. The lack of centre of the road parking, the relatively high speeds of motor vehicular traffic, the almost non-existence of sheltered pedestrian facilities, and the complete lack of pedestrian infrastructure beyond the footpaths makes the corridor decidedly uninviting to pedestrians. However this discouragement for pedestrian activity is tempered by the numerous raised garden beds found along the corridor as they provide colour, stimulus to the eye, and a feeling that the pedestrian is separated from the vehicular traffic by a physical barrier.

Proposal:

Increase the number of raised garden beds along the corridor and use plantings that are native to the shire.

Page 14, Section 2.6.4 Traffic

This section proposes numerous traffic management and road corridor amendments.

Objection:

The development application by Bower Group and its agent TTM Consulting is almost entirely motor vehicle centric with virtually no consideration given to pedestrians or cyclists. As a result, almost every aspect of the requested design features by Bower Group and TTM Consulting are in complete contradiction to the 2nd September 2020 public

Comment on development application, Re: 119-121 Edwards Street Ayr

statements of the then Treasurer of the State of Queensland and Minister for Infrastructure and Planning, The Honourable Cameron Dick. In his statement from the 2nd September 2020, he quoted Ms Leigh Cunningham of the Institute of Public Works Engineering Australasia Queensland (IPWEAQ). Both spoke of the importance that developers and local government officials actively utilise the Street Design Manual for Walkable Neighbourhoods, the Queensland Government's 2019 - 2029 Walking Strategy, and the Department of State Development, Infrastructure, Local Government and Planning's Walkability Improvement Tool when designing and incorporating development applications in new and established neighbourhoods. None of the above documents or planning tools were even mentioned by Bower Group and TTM Consulting.

All the requested road design amendments in the development application by Bower Group and its agent, TTM Consulting need significant alterations to prioritise or promote cycling or pedestrian activity in and around the proposed development. At the very minimum, the Burdekin Shire Council, Bower Group, and TTM Consulting need to acknowledge that the streets which surround the proposed development site have a high proportion of low income households and in particular participants of the Pacific Australia Labour Mobility Scheme (Seasonal Worker Programme). These members of the Ayr community generally do not own private vehicles and instead transit the intersection of Munro and Edwards Streets by foot as they access the Burdekin Plaza. The proposed road corridor amendments to the development of 119-121 Edwards Street shall reduce the safety of pedestrian activity in the area.

Proposal:

There needs to be a recognition by the Burdekin Shire and the Queensland Department of Transport and Main Roads that the Edwards Street road corridor between Graham Street and Burke Street is an extension of the traditional Ayr CBD. As such the character, the feel, the style, and promotion of pedestrian friendly facilities currently found along Queen Street need to be progressively incorporated into the all developments that are contained within all the retail and commercial zoned areas of Ayr. The first step in this process of promoting pedestrian friendly infrastructure is for the Burdekin Shire Council to not permit the road design amendments as requested by Bower Group and TTM Consulting without significant amendments. All parties need to recognise the incorporation/promotion of the pedestrian and the cyclist as the preferred transport mode in all the retail and commercial zoned areas of Ayr and especially in the section of Edwards Street between Wilmington and Munro Streets. This is because of the pedestrian traffic currently utilising the Burdekin Plaza and the future pedestrian movements to and from the convenience store within the proposed development.

As a result, the following should be implemented:

On the 15th September 2021, I submitted a design request to Burdekin Shire Council regarding a capital works improvement to the Edwards Street road corridor between Wilmington and Munro Streets.

On the 5th October 2021, I again submitted the same design request to Burdekin Shire Council's Technical Officers Robert Eckersley and Dean Pappalardo.

On the 23rd March 2022, I again submitted the same design request to the Burdekin Shire Council, but this time specifically requesting consideration in budget planning meetings.

See design request: **Ayr Construction Proposal.— Attachment 1.**

Alternatively, the Burdekin Shire Council, Bower Group, and TTM Consulting should redesign the intersection of Edwards and Munro Street to firstly incorporate the ideas and suggestions found on page 48 of the IPWEAQ's Street Design Manual for Walkable Neighbourhoods (Part 3). These examples should be the primary guiding factor as to how intersections should be designed to promote and prioritise the safety of cyclists and pedestrians.

Figure 6.7 (shown on the following page) would provide the ideal level of safety for pedestrians and cyclists at the intersection of Edwards and Munro Streets.

that is separated from general traffic laneways.

3. Key Achievements in first 2 years

- Successful delivery and usage of the cycle network which has seen over 50% of primary school students use the network to get to school.
- RideScore* partnership with Sunshine Coast Council, Baringa Primary School, and Stockland.
- Baringa Pedal park is one of the most popular parks on the Sunshine Coast, used by local residents and visitors alike. As a result, it was nominated by the Sunshine Coast Daily as one of the top 10 parks on the Sunshine Coast.
- Consistent feedback from residents and visitor on how much they love the cycle facilities and that it has increased how often they cycle.
- The early delivery of the veloway throughout Baringa has ensured positive behaviours of cycling are being adopted from the start of the new community.
- The early completion of over 4km of connecting cycle track to surrounding communities of Aura.

* RideScore is the first program of its type in Australia to record student cycle trips and provide real-time information to parents. The technology consists of a Bluetooth beacon being attached under the bike seat and a reader is positioned at the school's bicycle storage area. An email notification is sent to the parent when the student arrives at and departs the school. Students accumulate one reward point for each day they cycle to school. Students are awarded prizes when they reach specified milestones.



Figure 6.5 - Separated cycle track



Figure 6.6 - Family using separated cycle track



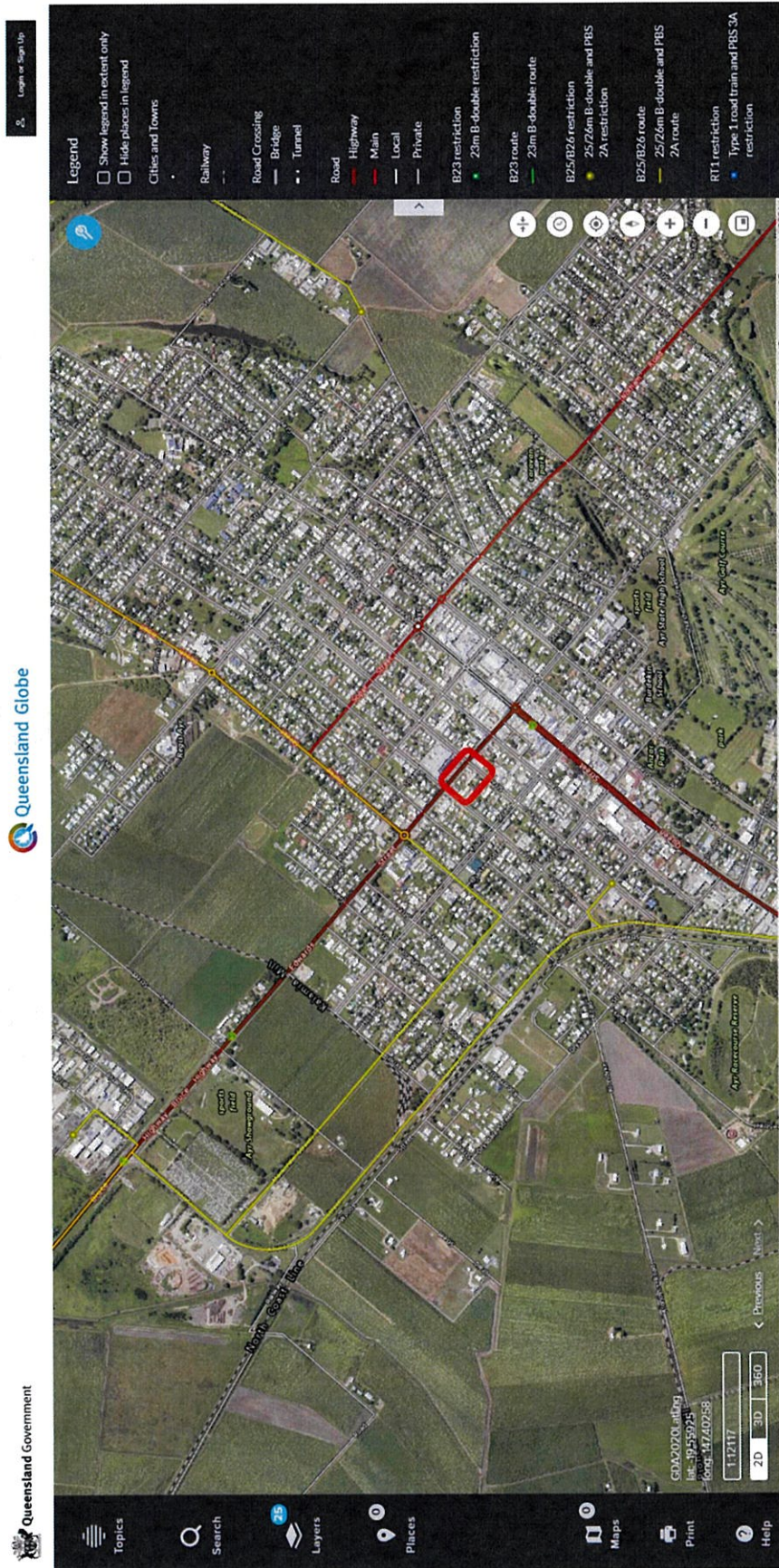
Figure 6.7 - Protected intersection at roundabout



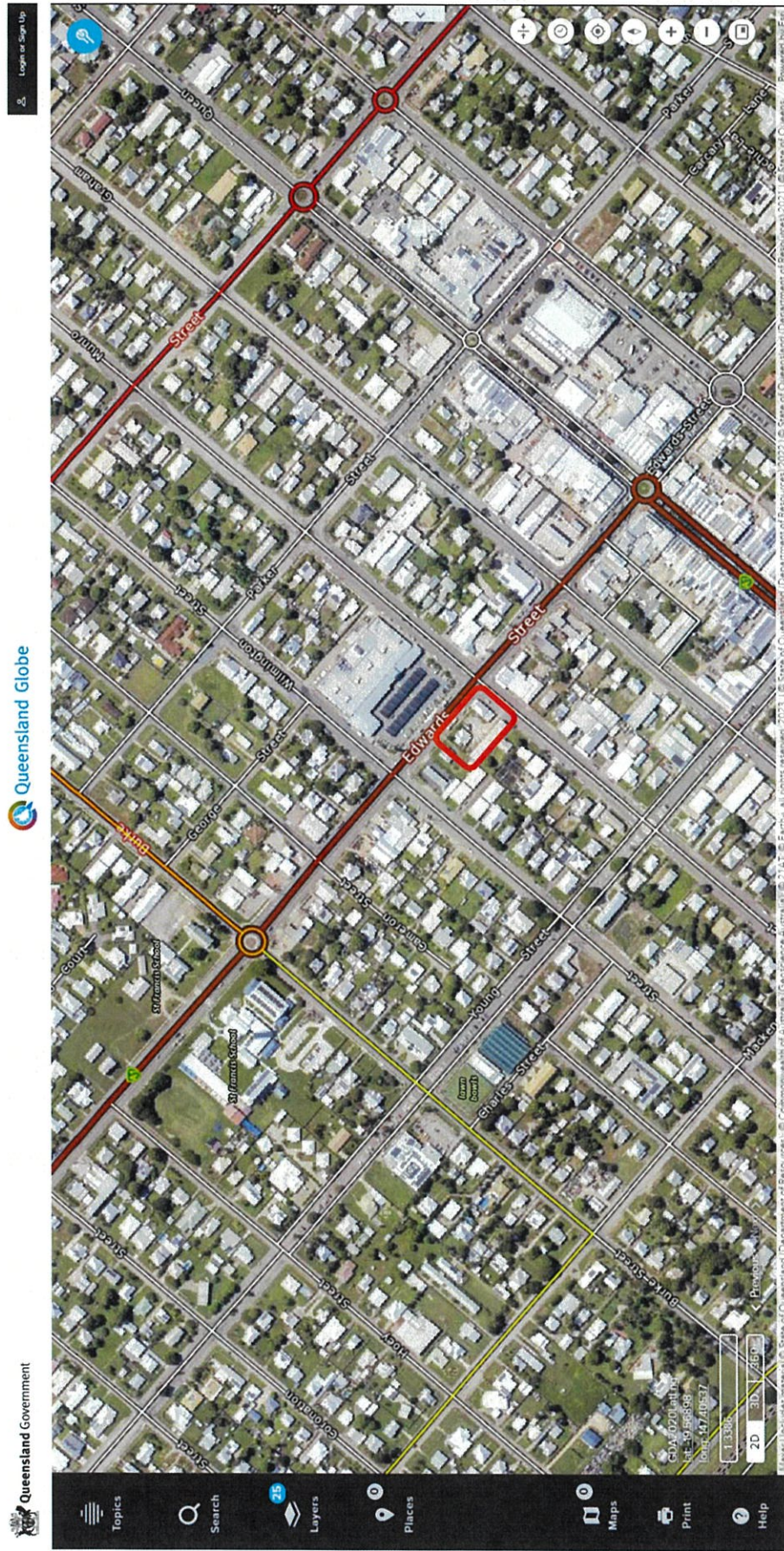
Figure 6.8 - Protected signalised intersection

Comment on development application, Re: 119-121 Edwards Street Ayr

Page 14 of the development application by the Bower Group requests that the right turn bay from Edwards Street to Munro Street be extended to accommodate B-Double type vehicles. The two following screen shots below illustrates the location of the proposed development at 119-121 Edwards Street, Ayr as shown by the red box. It further illustrates the currently authorised B-Double routes through the township of Ayr as shown by yellow. It is the proposal of this submission that there be no extensions to any turning bays into the proposed development site for the purposes of accommodating B-Double type heavy vehicles. This is because, at the very minimum, no such vehicles have not been permitted to operate in the area in question by the National Heavy Vehicle Regulator.



Source: Queensland Globe 2023



Source: Queensland Globe 2023

- Yellow lines represent authorised B-Double access corridors through Ayr.
- Red rectangle represents approximate location of proposed development at the corner of Munro and Edwards Street

Comment on development application, Re: 119-121 Edwards Street Ayr

The proposal to not realign the lane markings along Edwards Street is also based on ethical grounds. The purpose of accommodating the operation of B-Doubles along Edwards Street for this one particular development can be argued by some to be blatantly unfair to the existing competition. None of the other petrol stations along Edwards Street currently support B-Double access. To realign road markings for one petrol station operator can be seen by outside parties as favouritism or even worse

Page 15, Section 2.6.6 Acoustic

This section details the expected noise pollution from the operation of the proposed development upon completion of building works as well as the expected hours that the various associated tasks shall be operating.

Objection:

This development application has stated that the movement of vehicles and delivery of services shall operate from 0500 – 2200 hours each and every day. After consulting with my neighbours who border my property, we all believe that the servicing of the proposed development for the purposes of rubbish collection or fuel deliveries etc from 5am is excessively early and 10pm is excessively late.

Proposal:

It is requested that the Burdekin Shire Council impose the following restriction on service vehicles to the proposed development site upon commencement of commercial operations. All service vehicles shall be restricted to the operating hours of 0600 – 2100 hours Monday to Friday, and from 0700 – 2100 hours on Saturdays and Sundays.

Objection:

This development application has stated that a 4000mm high acoustic wall shall be built along the southern boundary of the development site and a 2200mm high acoustic wall shall be built along the western boundary of the development site.

During the period of the 13th-17th March 2023, I contacted the following Bower Group agents: MWA Environmental and Andrew Gold Landscape Architecture as well as representatives of the Town Planning Department at the Burdekin Shire Council. Questions were posed to the various individuals who compiled the reports and submissions that were incorporated into the development application as well as those who shall be assessing the Bower Group's application. The following questions were posed:

- Why were figures of 4000mm and 2200mm nominated to be the heights of the acoustic wall?
- Are there any engineering restrictions associated with constructing an acoustic wall that is 5500mm or even higher?
- Are there any town planning requirements regarding the conducting of light pollution studies for proposed retail or commercial developments?
- Are there any town planning restrictions associated with re-positioning the proposed pylon sign to an alternate location on the developer's site?

The diagrams drawn by the agent of Bower Group, Verve Building Design Company, indicates that the height of the proposed illuminated pylon sign at the corner of Edwards and Munro Streets is significant. The development application states that it shall be higher than the blade on the side of the proposed retail shop – the illuminated pylon will be approximately 8500mm high.

The canopy over the fuel bowser area is identified in the same diagrams by the Verve Building Design Company is shown to be illuminated on all four sides and be 5500mm above ground level. Furthermore, the same illuminated

Comment on development application, Re: 119-121 Edwards Street Ayr

canopy is intended to be positioned with the southern facing side of the canopy directly facing one of the bedrooms of my high set Queenslander style house at 85 Munro Street.

Proposal:

I would like the Burdekin Shire Council to impose the following design alterations to the development application:

- The developer be required to have no illumination installed to the fuel bowser canopy on the southern side.
- A solid acoustic wall be constructed to a height of 5500 - 6000mm along the southern boundary of the development site. This 5500 - 6000mm wall shall act as both a noise pollution and light pollution blocker between the proposed development and the north facing window of my bedroom at 85 Munro Street, Ayr. This shall mean that I won't have direct light pollution from the fuel bowser canopy nor will I be seeing the unilluminated advertising for 7-11 every time that I look out my bedroom window.
- The 8500mm illuminated pylon sign to be repositioned to a location approximately 10 metres along Edwards Street and in alignment with the fuel bowsers. This shall mean that light pollution from the illuminated pylon sign will not shine into my bedroom window.

Conclusion/Summary

The proposal by Bower Group to construct a petrol station and convenience store at 119-121 Edwards Street, Ayr can be accommodated, but certain design, engineering, political, and ethical issues need to be addressed.

Broadly speaking, these issues are:

- Developments need to be designed, authorised, and built with consideration given to the Queensland State Government's stated policies and objectives. For example, the Queensland State Government's Walking Strategy 2019-2029 clearly states that "planners, developers, engineers, designers, landscape architects, policy-makers, and elected representatives all play a role in creating healthy and inviting areas to walk." (p17). Edwards Street and all the other retail and commercial zones in Ayr need to ensure that current and future developments encourage walking and cycling. This is done by way of the provision of policies and actions that actively protect pedestrians and cyclists.
- Decisions that are made by local government officials regarding building approvals and town planning issues must be beyond reproach from any suggestions of favouritism.
- Developments that unnecessarily encroach upon the health and well-being of the residents of neighbouring properties should be restricted and made to both consider and accommodate the needs of others.

I look forward to hearing from the Burdekin Shire Council regarding their decision concerning the proposed development at 119-121 Edwards Street, Ayr, Qld, 4807.

Regards

David Morris

David Morris

(0423 073 955)

3 April 2023

K. Simpson

26 Coronation St

AYR QLD 4807

Burdekin Shire Council

Young Street

AYR QLD 4807

Dear Sir/Madam,

I wish to object to the proposed construction of a new Petrol Station on Edward Street, directly opposite the Coles Supermarket.

There is as you may be aware, 3 other petrol stations in close proximity to the proposed site of the new petrol station. So, I fail to see the outstanding need to build another one. The destruction of a fourth petrol station that could not compete or stay profitable against the other 3 petrol stations has only just been completed. To then build another one, to say the least, baffles me.

I also cannot understand how such a station could compete as a 7/11 when it is directly across from a Coles Supermarket, and therefore in direct competition with the Coles Supermarket.

My other objection, is to the destruction of the 2 old shops on that site. This town is hell bent on destroying its history. To lose those shops is just another part of the Burdekin's past that will be gone forever. Those shops properly restored and with the right businesses using them could be very attractive to outside visitors to the area. You only have to look at "Vintage Rose" and how they fixed up an old rundown building, brought it back to life, and made it into an attractive, successful, inviting place for people to hold their celebrations.

This town needs more businesses, it needs more attractions, something to bring people to shop and stay locally, as well as bring more employment to the area. This proposed construction will do none of this. In fact, this proposal will no doubt see another business fail, because there are just not enough customers in that area to keep 3 let alone 4 petrol stations profitable.

In reality having more Petrol stations will not encourage people to spend, or spend time in this area. Another petrol station will just add unwanted extra competition to an area that is over represented already.

I wish to thank you for taking my views into consideration.

Yours Sincerely



Kathleen Simpson

K. Simpson
26 Corvation St
Ayr QLD 4807

23/0002
39



SARA reference: 2301-33100 SRA
Council reference: MCU23/0002
Applicant reference: J001569

5 April 2023

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

Attention: Town Planning Section

Dear Sir/Madam

SARA referral agency response—119 - 121 Edwards Street, Ayr

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 31 January 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	5 April 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use for Development Permit for a Material Change of Use for a Service Station and Shop
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

Development application for a material change of use within 25m of a state-controlled road

SARA reference: 2301-33100 SRA

Assessment manager: Burdekin Shire Council

Street address: 119 - 121 Edwards Street, Ayr

Real property description: 21A2652

Applicant name: Bower Group C/- Property Projects Australia

Applicant contact details: Level 1, 618 Brunswick Street
New Farm QLD 4005
laura@propertyprojectsaustralia.com.au

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

- Approved
- Reference: TMR23-038545
- Date: 4 April 2023

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

Human Rights Act 2019 considerations:

Considered. The decision does not limit human rights.

Representations

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

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

For further information please contact Helena Xu, Senior Planning Officer, on 073452 6724 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Bower Group C/- Property Projects Australia, laura@propertyprojectsaustralia.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Material Change of Use		
10.9.4.2.4.1 – Material Change of Use near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The pedestrian sight triangles and corner truncation must be provided generally in accordance with the following plans: (a) Proposed Site Plan prepared by Verve Building Design Co., dated 22 March 2023, reference 22053-DA02, revision E and amended in red by SARA on 5 April 2023.	Prior to the commencement of use and to be maintained at all times.
2.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Stormwater management of the development must not cause worsening to the operating performance of the State-controlled Road, such that any works on the land must not: (i) create any new discharge points for stormwater runoff onto the State-controlled Road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the State-controlled Road; (iii) surcharge any existing culvert or drain on the State-controlled Road; (iv) reduce the quality of stormwater discharge onto the State-controlled Road; (c) RPEQ certification with supporting documentation must be provided to North.Queensland.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.	(a) At all times. (b) At all times. (c) Prior to the commencement of use.
3.	(a) Road works comprising line marking, must be provided generally in accordance with Concept Plan – Right-turn Lane Extension prepared by TTM 23 March 2023, reference 22BRT0460-05, revision C and amended in red by SARA on 5 April 2023. (b) The road works must be designed and constructed in accordance with the following: i. Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; ii. Manual of Uniform Traffic Control Devices (MUTCD); iii. Relevant Traffic and Road Use Manuals.	Prior to the commencement of use.
4.	(a) The road access locations, are to be located generally in accordance with Proposed Site Plan prepared by Verve Building	(a) At all times.

	<p>Design Co., dated 22 March 2023, reference 22053-DA02, revision E and amended in red by SARA on 5 April 2023.</p> <p>(b) Road access works to the State-controlled Road comprising of a left-in-left-out Industrial standard access and designed to accommodate articulated vehicles not exceeding 19m in length must be provided generally in accordance with Proposed Site Plan prepared by Verve Building Design Co., dated 22 March 2023, reference 22053-DA02, revision E and amended in red by SARA on 5 April 2023.</p> <p>(c) The road access works must be designed and constructed in accordance with:</p> <ol style="list-style-type: none"> i. Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition; ii. Manual of Uniform Traffic Control Devices (MUTCD); iii. Relevant Traffic and Road Use Manuals; and iv. Burdekin Shire Council's Standard Drawings. 	<p>(b) and (c): Prior to the commencement of use.</p>
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Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) version 3.0. If a word remains undefined it has its ordinary meaning.
2.	This development approval does not include any works located within the road reserve of the State-controlled Road. Further approval from the Department of Transport and Main Roads is required pursuant to the provisions of the Transport Infrastructure Act 1994.
3.	Any groundwater testing bores or vents for fuel tanks are to be located entirely within the subject site and must not require maintenance activities within the State-controlled Road reserve.
Further permits required	
4.	<p>Road access works approval</p> <p>Under sections 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads at North.Queensland.IDAS@tmr.qld.gov.au to make an application for roadworks approval.</p> <p>To make an application for road access works approval, please contact the Department of Transport and Main Roads via North.Queensland.IDAS@tmr.qld.gov.au, and include a completed Road Works/Road Access Works in a State-controlled road Application Form (Form F5082) available at: https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-matters-requiring-approval#driveways</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve .</p>
5.	<p>Road Corridor Permit (RCP)</p> <p>Under section 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works on a State-controlled Road. This includes the conditioned line marking. Even though a development approval may have been given by a local Council, it is still necessary to obtain approval to construct road works within a State-controlled Road from the Department of Transport and Main Roads.</p> <p>To make an application for road works approval, please contact the Department of Transport and Main Roads via North.Queensland.IDAS@tmr.qld.gov.au, and include a completed Road Works/Road Access Works in a State-controlled road Application Form (Form F5082) available at: https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-matters-requiring-approval#driveways</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve.</p>
6.	<p>Third Party Advice Regarding Advertising Devices</p> <p>The proposed development plans make reference to advertising devices that may be subject to future Council assessment and will be visible from a State-controlled Road. Please be advised that whilst referral to the Department of Transport and Main Roads will not be triggered pursuant to the provisions of Schedule 10 of the Planning Regulation, should the advertising devices be visible from a State-controlled Road, the future operational application will be issued to TMR for the provision of Third-Party Advice.</p> <p>During TMR's review of the request for Third Party Advice, TMR's Roadside Advertising Manual (RAM) will be considered as an assessment benchmark. The RAM assists TMR and</p>

	<p>local governments to evaluate proposals for roadside advertising devices to ensure that they meet road safety and traffic operation objectives. The RAM also provides technical criteria for current and potential roadside advertisers. The RAM is available at: https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Roadsideadvertising-manual</p> <p>To ensure that a future application for onsite advertising devices visible from the State-controlled Road network is as streamlined as possible, it is strongly recommended that the RAM be considered in the design and siting of the advertising device(s). For more information regarding the RAM or the Third-Party Advice process, please contact the Department of Transport and Main Roads at North.Queensland.IDAS@tmr.qld.gov.au.</p>
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Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of state-controlled road;
- does not adversely impact the structural integrity or physical condition of state-controlled road;
- does not adversely impact road transport infrastructure, public passenger transport infrastructure or active transport infrastructure;
- does not adversely impact the function and efficiency of state-controlled road;
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure; and,
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

¹ Pursuant to Section 68 of the *Planning Act 2016*

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

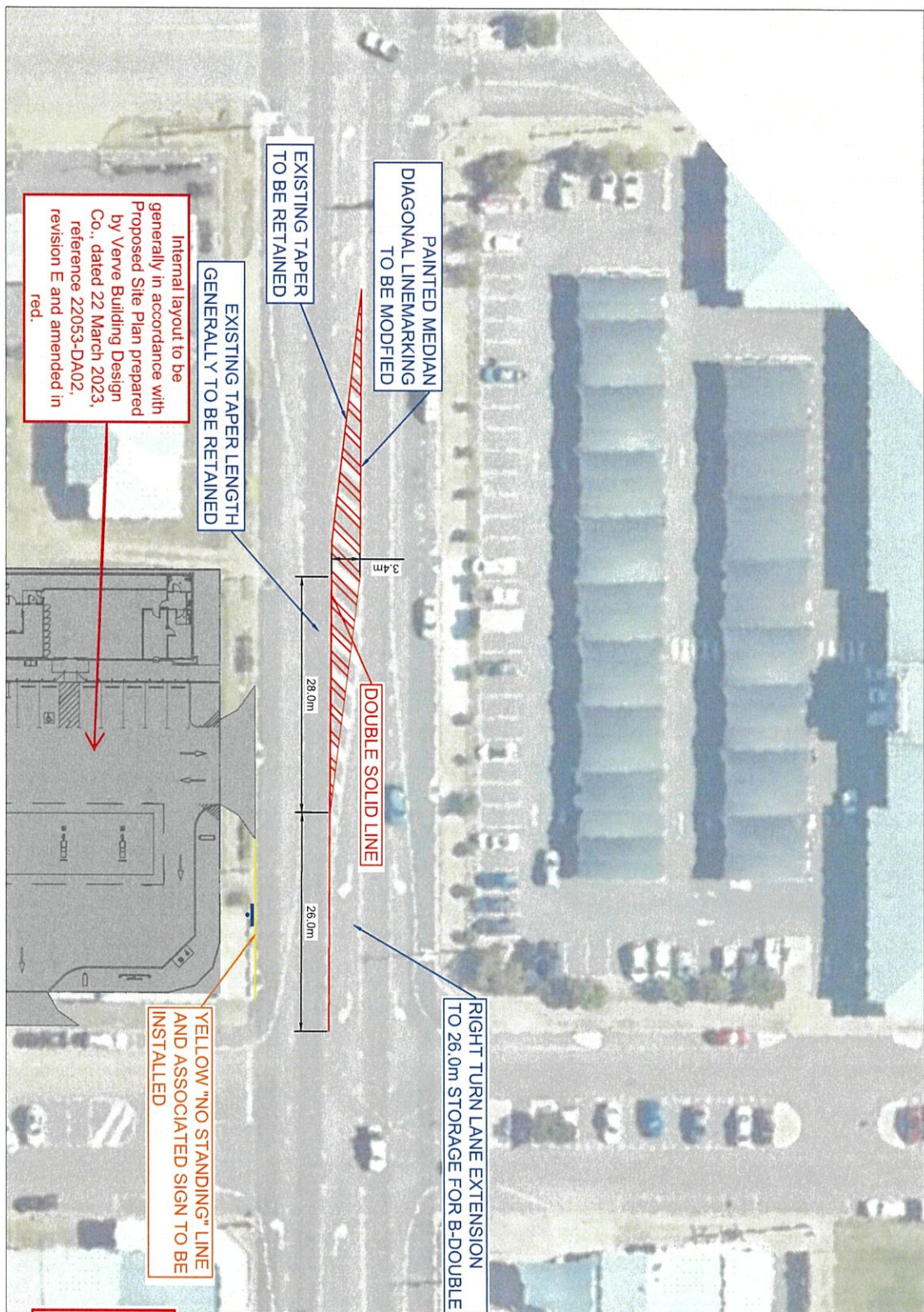


Amended in red by SARA on
05 April 2023

Amended in red by SARA on
05 April 2023

- DocumentSetID: 1746362






PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2301-23100 SRA

Date: 05 April 2023


Government of Ontario

Amended in red by SARA on
05 April 2023

SCALE		SCALE 1:1000 AT ORIGINAL SIZE		TTM CONSULTING PTY LTD	
				ABN 65 010 666 621 LEVEL 8, 369 Ann Street, BRISBANE QLD 4000 P.O. BOX 12015, BRISBANE QLD 4003 T: (07) 3232 9800 F: (07) 3232 9801 E: ttm@ttmgroup.com.au W: www.ttmgroup.com.au	
PROPERTY PROJECTS AUSTRALIA		TTM		PROJECT	
22BRT0460 - 119-121 EDWARDS ST, AVR		DRAWING TITLE		22BRT0460	
CONCEPT PLAN		EDWARD ST - RIGHT-TURN LANE EXTENSION		DRAWING NUMBER	
DATE		23 Mar 2023		REVISION	
1 OF 1		C		ORIGINAL SIZE	
A3					

Attachment E – Detailed Assessment

Assessment Summary

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

Detailed Assessment

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

The assessment timeframes applicable to this application are as follows:

ASSESSMENT TIMEFRAMES			
Application Process		Timeframe	Date
1.0	Application lodged with Council (properly made)		27 January 2023
1.1	Action Notice issued	5 days (from 1.0)	Not applicable
1.2	Confirmation Notice issued	10 days (from 1.0)	30 January 2023
2.0	Application referred (properly referred)	10 days (from 1.2)	2 February 2023
2.1	Referral agency Information Request	10 days (from 2.0)	Not Applicable
2.2	Referral agency Advice Note		16 March 2023
2.3	Referral agency Response	25 days (from 2.1)	5 April 2023
3.0	Council Information Request	10 days (from 1.2)	13 February 2023
3.1	Response to Councils Information Request	3 months (from 3.0)	9 March 2023
4.0	Public Notification commences	20 days (from 3.1)	14 March 2023
4.1	Public Notification completed	Min. 15 business days	4 April 2023
4.2	Consider submissions	10 days (from 4.1)	18 April 2023
5.0	Further Advice Request - Council		Not Applicable
5.1	Response to Further Advice Request		Not Applicable
6.0	Decision making period starts	1 day (after last applicable)	6 April 2023
6.1	Decision making period extended		17 April 2023
	Council Meeting		23 May 2023
6.2	Decision making period ends	35 days (minus up to 10 days from 3.0)	26 May 2023
6.3	Issue Decision Notice	5 days (after decision is made)	30 May 2023

Attachment E – Detailed Assessment

Level of Assessment

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

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

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

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

ASSESSMENT		
Benchmark	Purpose	Assessment
Strategic Framework	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.	The proposed development is considered to be consistent with the overall intent of the Strategic Framework and its strategies, given its location within the Retail and Commercial zoning.

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

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

Attachment E – Detailed Assessment

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

Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
<i>Building Scale and Appearance</i>		
The scale, intensity and height of buildings are in keeping with the character of the surrounding area by adopting appropriate: a) building heights; b) building setbacks; and c) site coverage.	Buildings are no greater than 2 storeys, including a ground storey, above natural ground level. The maximum site coverage is 75%.	Considered to comply. The proposed development is a typical modern day service station development that is a single storey building that can be positioned on site to achieve appropriate setbacks and site coverage, to be sufficiently separated from the adjoining residential properties.
<i>Carparking and Access</i>		
Adequate car parking and safe and efficient access and manoeuvring areas are provided on the site.	Vehicle parking on site and access and manoeuvring areas are in accordance with Schedule 2 – Vehicle Parking Rates & Standards.	The proposed development does not strictly comply with outcomes of Schedule 2, being the provision of twenty-eight (28) spaces for both a service station use and a shop use. However, the alternative solution put forward by the applicant which provides the sixteen (16) spaces proposed is adequate for the uses as the service station will be the primary generator of vehicle trips to the site.

Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
		Council officers considered this information and its recommendation and believe the sixteen (16) spaces proposed can be accepted in this circumstance and location. Any approval will be appropriately conditioned to comply to ensure adequate parking spaces are provided on site supported by efficient access and manoeuvring areas, which are to be adequate for the proposed development.
Lighting Nuisance		
The operation of the activity does not cause undue disturbance to any person or activity because of the light it emits.	The vertical illumination resulting from direct, reflected or incidental light coming from a site does not exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up.	<p>The applicant has stated that the proposed development does not involve vertical illumination.</p> <p>Council Officers have conditioned a light analyst be submitted before commencement of construction to confirm this statement is accurate.</p>
Infrastructure Provision		
<p>All premises have an appropriate level of infrastructure for the efficient</p> <p>a) functioning of the use while not impacting on adjoining land uses or the environment.</p>	<p>All premises are connected to a reticulated water supply.</p> <p>All premises are connected to reticulated sewerage system.</p> <p>The premises has frontage to a sealed road with</p>	<p>Complies.</p> <p>The proposed development is already appropriately serviced in terms of infrastructure provision and the proposed development will be required to connect to both water and sewer reticulated infrastructure.</p>

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

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

Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
Landscaping		
<p>Landscaping for a commercial use is provided to:</p> <p>a) soften the visual impact of the land use and/or associated building(s) from the street and adjoining land; and</p> <p>b) reduce radiant heat and glare to adjoining properties.</p>	<p>Except for retail premises with zero setback, a landscaped area along the entire frontage of the site, with a minimum width of 3m is provided.</p>	<p>The proposed development as currently submitted does comply with the 3.0m landscaping provisions required by this Zone Code,</p> <p>Given the developments location on the main thoroughfare of Ayr and adjacent to existing residential properties, Officers consider adequate landscaping provisions are provided to assist with softening its visual effect on the streetscape.</p> <p>Any approval given will be conditioned to provide a landscaping strip along both frontages excepting the portions of the site that are required to be free of all structures and landscaping to maintain sight splay. Landscaping also to be provided inside of the fencing proposed along the boundaries adjoining residential properties.</p>

Energy Efficiency		
Buildings are designed and sited to: a) maximise indoor climatic comfort; b) minimise energy requirements for cooling during the summer months by minimising the need for air-conditioning; c) have adequate access to breezes and daylight in habitable rooms; d) incorporate lighting to meet usage requirements while minimising energy usage; and e) minimise the climatic environmental impact on adjoining properties.	Window and skylight placement and internal layout favours prevailing breezes and cross ventilation and allows natural light access into the building.	The applicant has advised that the development has been designed and sited in consideration of the prevailing breeze, allow for cross ventilation and allow natural light to access the building. Energy efficiency requirements will be addressed in a more technical manner during the building approval process.
Building Design		
Retail and commercial buildings are designed to be convenient for all users.	All buildings for commercial uses: a) address the principal road frontage; and b) include a cantilevered awning for the full frontage of the site.	Complies in part. Given the proposed service station use, the design and siting of the building and associated structures is considered reflective of the use and its operations, to ensure safety and convenience of users, with an awning provided over the pedestrian access only and the building addressing the fuel bowser forecourt rather than the street frontage directly. In this circumstance, it is considered that development sufficiently addresses the outcomes sought in this regard to building design.

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

Attachment E – Detailed Assessment

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

Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
Site Suitability		
Each site has sufficient area and dimensions to accommodate: a) the building or buildings and associated storage area; b) vehicle parking areas; c) delivery and service vehicles d) safe vehicle access; and e) safe on-site vehicle movement.	<p>S1.1 The site has a minimum area of at least 1200m² .</p> <p>S1.2 A minimum of 25m frontage on midblock lots and minimum of 25m on corner lots.</p>	Complies.
Access and Parking		
Premises have safe and efficient vehicular access, car parking and manoeuvring areas.	<p>S2.1 Premises have: a) a maximum width of any vehicle crossover across a footpath of 9m; b) a separation of at least 12m between any other vehicle crossover or road intersection; c) separate entrances to and exits from the site; and d) vehicle parking, access and manoeuvring areas are provided in accordance with Schedule 2 – Vehicle Parking Rates & Standards.</p> <p>S2.2 The site is situated not more than 100m from the</p>	<p>The proposed development does not strictly comply with outcomes of Schedule 2, being the provision of twenty-eight (28) spaces for both a service station use and a shop use.</p> <p>However, the alternative solution put forward by the applicant which provides the sixteen (16) spaces proposed is adequate for the uses as the service station will be the primary generator of vehicle trips to the site.</p> <p>Council officers considered this information and its recommendation and believe the sixteen (16)</p>

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

Assessable Development			
Specific Outcomes		Acceptable Solutions	Comment
Schedule 2 – Vehicle parking rates & standards			
Use Definitions	Minimum Car Parking Spaces Required	Additional Standards	Officers Comment
Service Station	1 space per fuel pump, plus 1 space per 2 employees.	Not applicable to this development.	<p>The development proposes:</p> <ul style="list-style-type: none"> ▪ a service station with 3 (three) bowzers in total and 6 (six) refuelling stations. ▪ two staff to be employed; and ▪ the total gross floor area for the development of 240m². <p>Given this, a minimum of twenty-eight (28) spaces in total should be provided on site according to the requirements of the scheme provisions (i.e. six (6) for the service station use and twenty-two (22) spaces for the shop use).</p> <p>However, the alternative solution put forward by the applicant which provides the sixteen (16) spaces proposed is adequate for the uses as the service station will be the primary generator of vehicle trips to</p>
Shop	1 space per 20m ² of gross floor area or part thereof up to 100m ² , then 1 space per 15m ² gross floor area or part thereof thereafter.		

Assessable Development			
Specific Outcomes	Acceptable Solutions	Comment	
			<p>the site.</p> <p>Council officers considered this information and its recommendation and believe the sixteen (16) spaces proposed can be accepted in this circumstance and location. Any approval will be appropriately conditioned to comply to ensure adequate parking spaces are provided on site supported by efficient access and manoeuvring areas, which are to be adequate for the proposed development.</p>

State Interest Considerations

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

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

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

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

STATE PLANNING POLICY (JULY 2017)				
Liveable Communities and Housing	Economic Growth	Environment and Heritage	Safety & Resilience to Hazards	Infrastructure
Housing supply and diversity	Agriculture	Biodiversity	Emissions and hazardous activities	Energy and water supply
Liveable Communities	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 2011* does not currently integrate the relevant State Planning Policies; however it is considered that the following are relevant to the development:

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

Attachment E – Detailed Assessment

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

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

North Queensland Regional Plan

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

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

Public Submissions

The applicant undertook Public Notification between 14 March 2023 – 04 April 2023, being a minimum period of at least 15 business days, in accordance with the relevant requirements of the *Planning Act 2016*.

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

- David Morris – Concerned with the proposed landscaping, the lack of consideration for pedestrians or cyclists creating safety concerns at the intersection of Edwards and Munro Street, overall height of acoustic fence and lighting nuisance to adjoining residents.
- Kathleen Simpson – No need for proposed development and removal of old shops losing historic character.

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

Attachment E – Detailed Assessment

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

Infrastructure Charges

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

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

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

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
Commercial - Retail	\$0.00	\$0.00	\$0.00	\$0.00	\$6,310.00	\$6,310.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$6,310.00	\$6,310.00

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

7.3.2. PLANNING AND DEVELOPMENT

Development Application for Reconfiguring a Lot one (1) into two (2) Lots at 910 Home Hill Kirknie Road, Osborne

File Reference: 234

Report Author: Marty Pearce, Senior Planning Officer

Authoriser: Nick Wellwood, Director Infrastructure Planning and Environmental Services

Meeting Date: 23 May 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, Andrew Balmer for a reconfiguration of a lot (subdividing one (1) lot into two (2) lots) on land described as Lot 206 on SB109 and located at 910 Home Hill Kirknie Road, Osborne.

Lot 206 is currently 31.161ha in area. Proposed Lot 2 is proposed to be 30.44ha, with proposed Lot 1 to be .72ha 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 reconfiguration of a lot (subdividing one (1) lot into two (2) lots) on land described as Lot 206 on SB109 and located at 910 Home Hill Kirknie Road, Osborne, subject to reasonable and relevant conditions as set out in Attachment A.

Background

The development application lodged by Milford Planning on behalf of applicant, Andrew Balmer seeks to reconfigure a lot, by subdividing one (1) lot into two (2) lots (refer proposal plan included as Attachment B) on land described as Lot 206 on SB109 and located at 910 Home Hill Kirknie Road, Osborne (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 109 (910 Home Hill Kirknie Road) currently having a total area of 31.161ha. The subject site contains the existing sugar cane farm, residential dwelling and associated farm sheds.

The applicant is proposing to create one lot (proposed Lot 2) approximately 30.44ha in area for the sugar cane farming activity with the second lot (proposed Lot 1) to be 0.72ha 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 206 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 required as the site is located within 25m of a State-controlled road (Kirknie Road). The Referral Agency Response included a single condition of approval being access is not permitted between Kirknie Road and Proposed Lot 2.

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 E 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 applicant lodged the application after considering the context of preliminary advice from Officers and recent decisions by Council regarding the subdivision of existing dwellings from rural land. After the preliminary advice the applicant reshaped the proposed Lots to provide a more regular shape for the existing dwellings Lot and provided larger setbacks to comply with the Rural Zone code requirements.

The Coty Principle and Relevant Matters

It is evident that the current Scheme is clearly outdated, and that the implementation of the new scheme is an urgent priority for Council.

Councils planning scheme finished its second round of public notification in February 2022, however the first round was completed in October 2021, and the new Scheme was expected to be in place by September 2022.

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 is, 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 (e.g. 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 draft new scheme provisions for information only (refer Attachment E).

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

- To meet or have the ability to meet the relevant aspects of both the current Burdekin Shire IPA Planning Scheme 2011 (despite not complying with some assessment benchmarks) and the proposed new draft new Planning Scheme.
- Significant weight can be given to the relevant aspects of the new draft new Planning Scheme in the assessment of the proposed development.
- 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 frontage to both to both Home Hill - Kirknie Road and an unnamed and unformed road along the western boundary.

The surrounding area is similar to the subject site being predominately rural and used for agriculture (sugar cane farming) with existing residential dwellings and structures such as sheds associated with the farms, present.

The northern boundary of the subject site adjoins the Burdekin River.

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

Information Request

No further information was requested.

Public Notification

Not applicable.

Referral Agency Response

The Development Application required referral to the North Queensland State Assessment and Referral Agency (NQSARA) under the *Planning Regulation 2017* for:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) - Reconfiguring a lot near a State transport corridor; and

The Referral Agency Response was issued by NQSARA on 6 April 2023 (refer Attachment D), providing approval subject to a sole condition, being:

1. Access is not permitted between Kirknie Road and Lot 2.

Assessment Summary

Refer to Attachment E 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 and State (NQSARA) Departments have been consulted with.

The proposal was also workshopped with the Mayor, Councillors and Executive Leadership at the workshop held on the 21 March 2023.

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. Attachment A - Recommended Conditions of Approval
2. Attachment B - Proposal Plan
3. Attachment C - Locality Plan
4. Attachment D - SARA Conditions
5. Attachment E - Detailed Assessment

Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
1. General and Administration <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

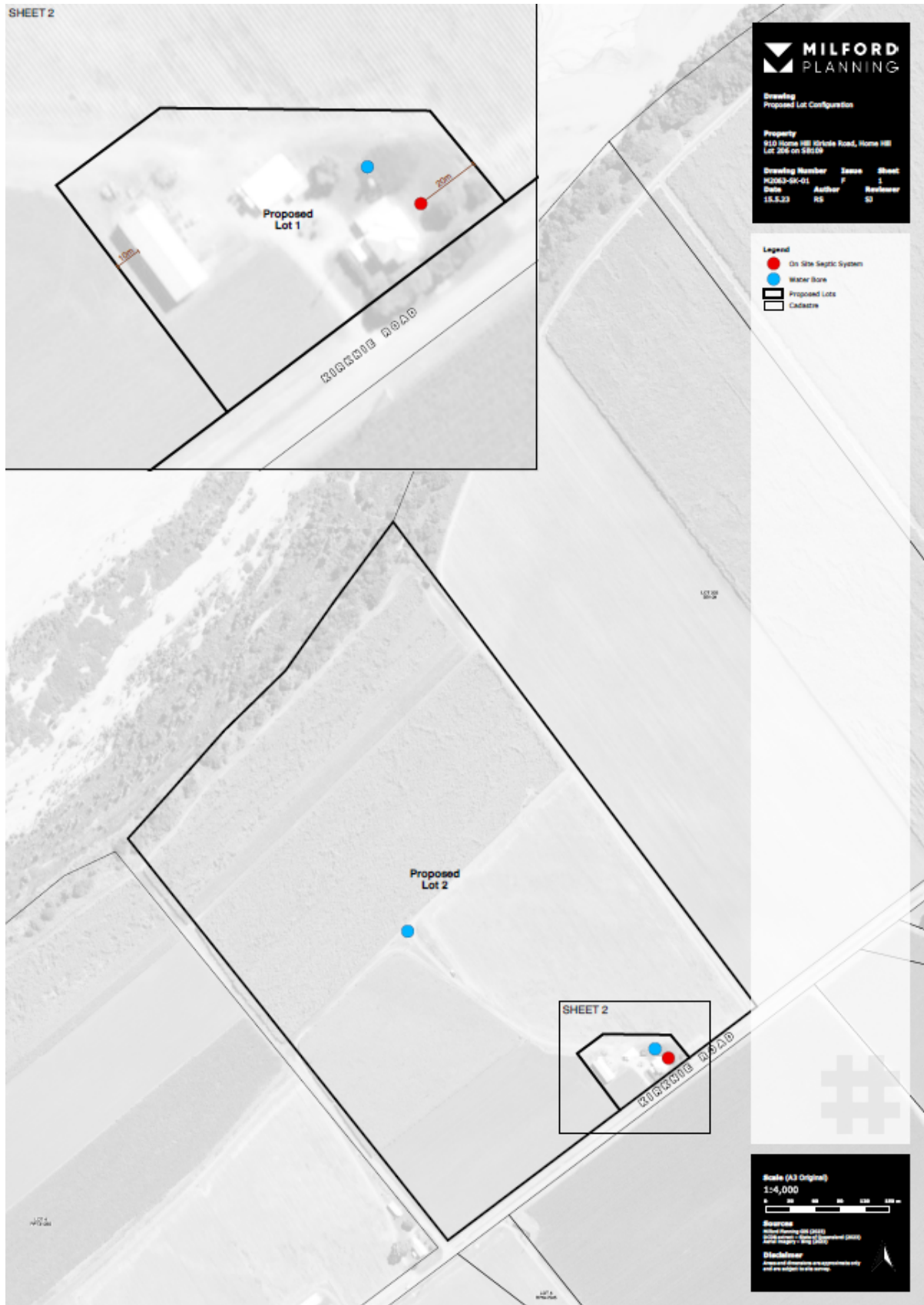
Condition		Reason	Timing
2. Approved Plans and Supporting Documents			
Drawing Title		Drawing/Revision	Date
Proposed Lot Configuration		M2063-SK-01, Issue F, Sheet 1	20.03.23
Associated Reports			
Development application prepared by Milford Planning, February 2023 and the amended proposal Plan, email 20 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.		
3. Payment of Rates, Charges and Expenses			
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 Resources, for each new valuation.		
4. Confirmation of Existing Services 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.
5. Relocation/alteration of Public Utilities 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.
6. Roadworks 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.
8. Drainage/Stormwater 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	At all times.

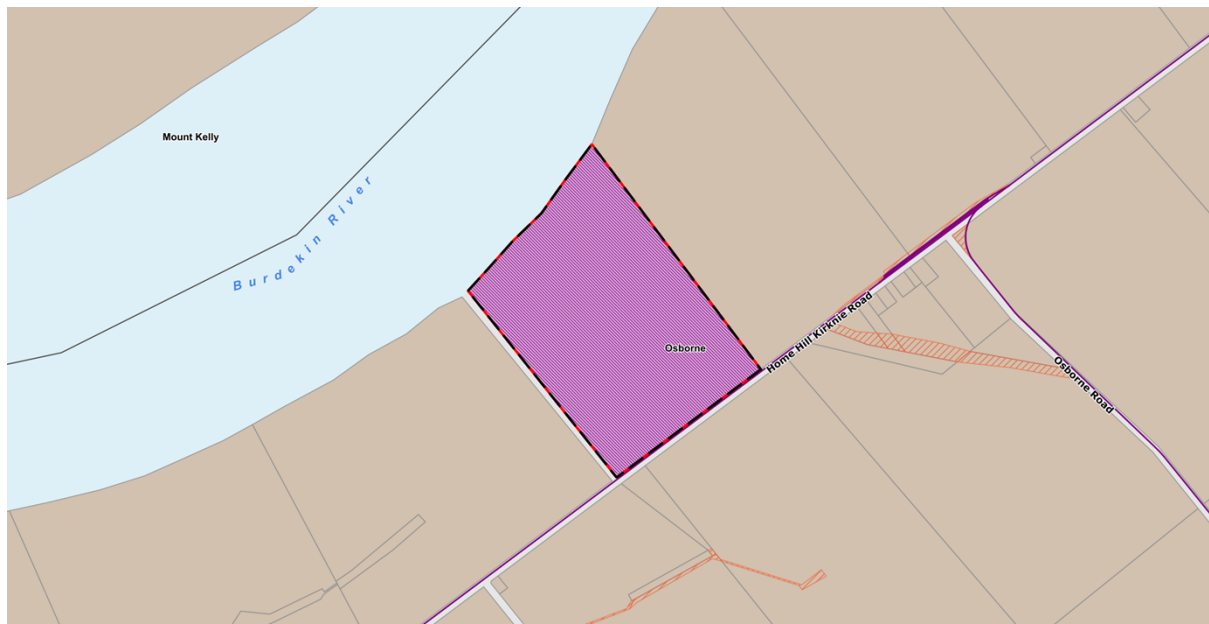
Condition	Reason	Timing
	relevant code/s and policy direction.	
Advice		
1. Infrastructure Charges An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.		
2. Compliance with Conditions Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.		
3. Future Development and Flood Management 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.		
4. Acid Sulfate Soils 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.		
5. Limitation of Approval 5.1 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. 5.2 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		











Condition	Reason	Timing
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.		
6. Miscellaneous The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au		
7. Earthworks 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



 Rural	 Residential Low Density Sub Area	 Industry Investigation Sub Area
 Rural Nature Based Recreation Sub Area	 Retail and Commercial	 Public Purpose
 Rural Settlement Sub Area	 Industrial	 Village
 Residential	 Extractive Industry Sub Area	 Open Space & Recreation







SARA reference: 2303-33721 SRA
Council reference: RAL23/0004
Applicant reference: M2063

6 April 2023

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

Attention: Kellie Galletta

Dear Sir/Madam

SARA referral agency response—910 Home Hill Kirknie Road, Osborne

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 15 March 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	6 April 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Reconfiguring a lot (1 Lot into 2 Lots)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017)	

Development application for a material change of use within 25m of a State-controlled road

SARA reference: 2303-33721 SRA

Assessment manager: Burdekin Shire Council

Street address: 910 Home Hill Kirknie Road, Osborne

Real property description: Lot 206 on SB109

Applicant name: Andrew Balmer

Applicant contact details: C/- Milford Planning
PO Box 5463
TOWNSVILLE CITY QLD 4810
info@milfordplanning.com.au

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

- Approved
- Reference: TMR23-038861
- Date: 24 March 2023

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

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Right Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

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

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

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

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Andrew Balmer, info@milfordplanning.com.au

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

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Reconfiguring a lot		
10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The road access locations, are to be located generally in accordance with Proposed Lot Configuration, prepared by Milford Planning, dated 8 February 2023, reference M2063-SK-01 and issue D, as amended in red.	At all times

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The development complies with State code 1: *Development in a State-controlled road environment* of the State Development Assessment Provisions (SDAP) version 3.0. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a State-controlled road
- does not adversely impact the structural integrity or physical condition of State-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function and efficiency of State-controlled roads or future State-controlled roads
- does not adversely impact the State's ability to plan, construct, maintain, upgrade or operate State-controlled roads, future State-controlled roads or road transport infrastructure
- does not significantly increase the cost to the State to plan, construct, upgrade or operate State-controlled roads or road transport infrastructure
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using State-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations provisions

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Attachment 5—Approved plans and specifications

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MILFORD
 PLANNING

Drawing
 Proposed Lot Configuration

Property
 910 Home Hill Avenue Road, Osborne
 Lot 208 (P 58109)

Drawing Number
 2303-33721



Issue
 0

Sheet
 1

Date
 06/04/2023

Author
 MW

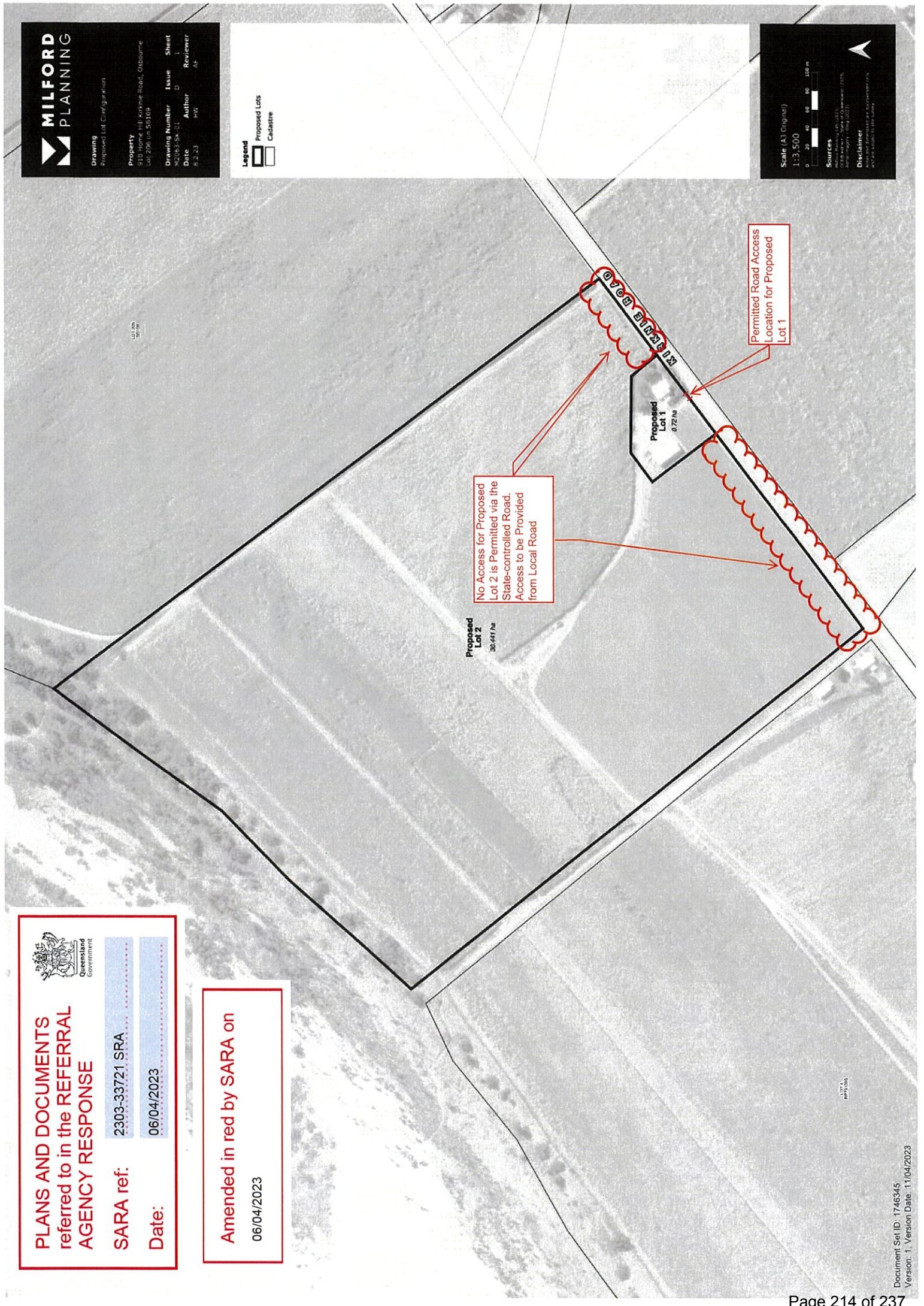
Reviewer
 AW

Legend
 Proposed Lots
 Cadastral

Scale (A1 Original)
 1:3,500
 0 20 40 60 80 100 m

Sources
 Milford Planning (P 58109)
 Aerial Imagery - 2023

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PLANS AND DOCUMENTS
 referred to in the REFERRAL
 AGENCY RESPONSE

SARA ref:
 2303-33721 SRA

Date:
 06/04/2023

Amended in red by SARA on
06/04/2023

ASSESSMENT TIMEFRAMES			
Application Process		Timeframe	Date
1.0	Initial application lodged with Council (properly made)	-	27 February 2023
1.1	Action Notice issued	5 days (from 1.0)	Not Applicable
1.2	Confirmation Notice issued	10 days (from 1.0)	13 March 2023
2.0	Application referred (properly referred)	10 days (from 1.2)	16 March 2023
2.1	Referral agency response	25 days (from 2.0)	6 April 2023
3.0	Council Information Request	10 days (from 1.2)	Not Applicable
3.1	Response to Information Request	3 months (from 3.0)	Not Applicable
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	-	Not Applicable
35.1	Response to Further Advice Request	-	Not Applicable
5.0	Decision making period starts	1 day (after last applicable)	7 April 2023
5.1	Request to extend the decision-making period	-	4 May 2023
	Council Meeting		23 May 2023
5.2	Decision making period ends	35 days (minus up to 10 days from 3.0)	26 May 2023
5.3	Issue Decision Notice	5 days (after decision is made)	30 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 (RAL23/0004)

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 was identified as requiring referral to the North Queensland State Assessment and Referral Agency (NQSARA) under the *Planning Regulation 2017* for:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) – Reconfiguring a lot near a State transport corridor; and

Referral Status	Referral Agency and Address	Response
Concurrence	NQSARA, PO Box 5666, Townsville Q4810 Email: NQSARA@dsdilgp.qld.gov.au	The agency provided its response on 6 April 2023. (Ref.2303-33721). A copy of the response is provided at Attachment E of this report package.

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

Assessment

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:

Burdekin Shire IPA Planning Scheme 2011**APPLICABLE ASSESSMENT BENCHMARKS**

Development	Zone	Overlays	Assessment Benchmarks
Reconfiguring a Lot – One (1) Lot into Two (2) Lots and Access Easement	Rural Zone	Nil	<ul style="list-style-type: none"> ▪ Rural Zone Code ▪ Reconfiguring a Lot Code

ASSESSMENT**Rural Zone Code**

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 2) and the existing dwelling on the smaller new lot (proposed Lot 1).

While the proposed Lot 2 (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 30.0ha 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 1 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 2 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 2) and the existing dwelling on the smaller new lot (proposed Lot 1).

While the proposed Lot 2 (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 30.0ha in area post subdivision.

Note future applications for further subdivision of proposed Lot 2 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:

Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
<i>Lot Layout</i>		
<p>The lot layout provides for:</p> <ul style="list-style-type: none"> a) a wide range of needs for land; and b) lots of a size and dimension suitable for their intended use. 	<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 1 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>

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 (m²)</th></tr><tr><td rowspan="11">Residential and Village Zones</td><td>Residential Purposes</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>Multiple Unit Development</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 250m²</td></tr><tr><td>Retail and Commercial Zone</td><td>Commercial Purposes</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>Industry Purposes</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>Rural Purposes</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>Public Purposes</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 ²)	Residential and Village Zones	Residential Purposes			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	Multiple Unit Development			3-4 Units	20	800	5-8 Units	20	1000	8+ Units	20	No. of units x 250m ²	Retail and Commercial Zone	Commercial Purposes				All commercial/retail	10	400	Industry Zone	Industry Purposes			Light Industry	20	1000	Noxious or offensive industry	20	4000	All other purposes	20	1000	Rural Zone	Rural Purposes			Intensive Agriculture	200	30ha	All other uses	500	100ha	Rural Industry	50	1ha	Rural Settlement Allotment	40	4000	Public Purposes Zone	Public Purposes			All public purposes	20	1000	<p>(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 2 will be greater in area than the 30.0ha minimum requirement, remaining viable for agricultural activities; while</p> <p>(ii) the existing separation onsite 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 2) and the existing dwelling on the smaller new lot (proposed Lot 1).</p> <p>It is acknowledged that proposed Lot 2 (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 30.0ha in area, post</p>
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Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
		subdivision. Note future applications for further subdivision of proposed Lot 2 are not supported by the planning scheme, nor is it likely to supported by Council officers.
Rural Subdivision		
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		
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.	Considered to comply in part. 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. Refer also to officers’ comment above. 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.	

Assessable Development		
Specific Outcomes	Acceptable Solutions	Comment
<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>The larger balance parcel (proposed Lot 2) is to be maintained for continued agricultural activity.</p> <p>The applicant has advised that the potable water supply to proposed Lot 1, will be via the existing bore located near the dwelling that also contains sewage treatment infrastructure. Both will be wholly contained within the proposed Lot 1.</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"> ▪ Agricultural Overlay – Good Quality Agricultural Land (Class A & B) ▪ Acid Sulfate Soils Overlay – 5-20m Contour 	<ul style="list-style-type: none"> ▪ All of the Planning Scheme
ASSESSMENT			
Strategic Framework			

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>2.3 Liveable Communities and Infrastructure</p>	<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>2.4 Economic growth Strategic outcomes 2.4.1 Diverse rural futures</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</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 Outcome (3) of 2.4.1 as</p> <ul style="list-style-type: none"> (i) The proposed Lot 2 is to be 30.44ha in area and proposes the consolidation of the existing farmed lot that exceeds the minimum area requirement; and (ii) The proposed Lot 1 is to be 0.72ha in area and contains the existing dwelling house, which is an area of the subject site already removed from viable agricultural production activities.

values, without increasing the number of lots.	
2.5 Safe and resilient communities	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the strategic intent and outcomes sought by the Safe and resilient communities theme within the overarching Strategic Framework.
2.6 Natural resources, the environment and heritage	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the strategic intent and outcomes sought by the natural resources, the environment and heritage theme within the overarching Strategic Framework.
Zone Code	
Rural Zone Code <u>The purpose of the rural zone is to -</u> <ul style="list-style-type: none"> (a) provide for rural uses and activities; and (b) provide for other uses and activities that are compatible with – <ul style="list-style-type: none"> (i) existing and future rural uses and activities; and (ii) the character and environmental features of the zone; and (c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes. 	
<u>The purpose of the Rural Zone is to be achieved through the following overall outcomes:</u> <ul style="list-style-type: none"> (a) rural land will be used sustainably to ensure the viability of the primary production base. (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; (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). 	

- (d) land in the rural zone is not used or subdivided for urban residential or rural residential purposes.
- (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;
- (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 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 2 is to be 30.44ha in area and is a consolidation of the balance of the farmed lot.
- (ii) The proposed Lot 1 is to be 0.72ha 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 Outcome	Acceptable Solution	Officers Comment
Neighbourhood design	Not applicable.	
Landslip Hazard	Not applicable.	

Lot Size and Layout	<p>Table 6.2.2.3(b)–Acceptable outcome – lot size and frontage</p> <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	500m ²	Low-medium density residential zone				Township zone		15	800m ² or 2,000m ² where not connected to sewerage	Rural residential zone	Horseshoe Lagoon	60	2ha	Mount Kelly	40	4,000m ²	Elsewhere	40	2,000m ²	Centre zone		10	400m ²	Industry zone		20	1,000m ²	Community facilities zone		20	1,000m ²	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 can only achieve this for proposed Lot 2 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 1 is considered acceptable for this development.</p>
Zone		Frontage (m)	Area																																																													
Low density residential zone		15	500m ²																																																													
Low-medium density residential zone																																																																
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(c) elsewhere		200	100ha																																																													
Services	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the relevant outcomes.																																																															
Road Design	Not applicable.																																																															
Environmental Management	Where relevant, the proposed development has been conditioned to comply with the relevant outcomes sought in this regard.																																																															

Development Works Code

Purpose and overall outcomes

(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.

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

(a) the location and design of infrastructure or works minimise impacts on amenity and landscape character.

(b) development minimises site disturbance and impacts on the natural environment.

(c) adequate infrastructure is provided that is adequate to meet the demand likely to be generated by the development.

(d) a way that ensures the safe, efficient and cost-effective provision and operation of infrastructure networks occurs by ensuring:

(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.

(ii) development maintains high standards of water quality and the environmental health of waterways.

(iii) public health and safety are protected.

(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.

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
Earthworks	Not applicable.	

Excavation and Filling in the Rural Zone	Not applicable.	
Infrastructure	<p>Where relevant, the proposed development is considered to comply or can be conditioned to comply with the relevant outcomes.</p> <p>The subject site is not currently serviced (nor has the ability to be serviced) by Council's reticulated water and sewerage infrastructure.</p>	
Water Management	Where relevant, the proposed development is considered to comply or can be conditioned to comply with the relevant outcomes	
Acid Sulfate Soils	Where relevant, the proposed development is considered to comply with the relevant outcomes.	<p>The site is noted as being located within the 5-20m PASS/AASS contour.</p> <p>However as no excavation or change to existing ground levels are proposed as part of this development, no further assessment is required.</p> <p>An advice statement will be included on any approval given.</p>
Traffic and Access	Not applicable.	
Landscaping	Not applicable.	
Waste and pollutant management	Not applicable.	
Fire Hydrants in urban areas for building access by common private title	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.

STATE PLANNING POLICY (JULY 2017)				
Liveable Communities and Housing	Economic Growth	Environment and Heritage	Safety & Resilience to Hazards	Infrastructure
Housing supply and diversity	Agriculture	Biodiversity	Emissions and hazardous activities	Energy and water supply
Liveable Communities	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*).

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

Attachment D – Detailed Assessment

- 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.

It is acknowledged that proposed Lot 2 (if approved) permits the building of a new dwelling on it, as of right.

While the proposed Lot 2 (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 30.0ha in area post subdivision.

Note future applications for further subdivision of proposed Lot 2 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.

Attachment D – Detailed Assessment

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"> Development does not result in, or contribute to, a net loss to overall agricultural productivity within the PAA. Development does not result in widespread or irreversible impacts to the future use of a PAA for agricultural activities. 	<p><u>Response included as 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>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 206 into two allotments to formalise the existing separation already on site between the rural land that is currently farmed from the area used for</p>

Regional outcome: 1.1 Maintain and expand a prosperous and sustainable agricultural sector in the region.		
	<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"> 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 the subdivision of the land will not result in widespread or irreversible impacts to the future use of a PAA for agricultural activities. 	<p>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 2 (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 30.0ha in area post subdivision.</p> <p>Note future applications for further subdivision of proposed Lot 2 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*.

Attachment D – Detailed Assessment

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.

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

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

Referral Agencies

The Development Application required referral to the North Queensland State Assessment and Referral Agency (NQSARA) under the *Planning Regulation 2017* for:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) – Reconfiguring a lot near a State transport corridor; and
- The Referral Agency Response was issued by NQSARA on 6 April 2023 (refer **Attachment C**), providing approval subject to a sole condition, being:

- Access is not permitted between Kirknie Road and Lot 2.

13.1. DELEGATION

Australian Citizenship Ceremony

Recommendation

10.15am - Citizenship Ceremony

Attachments

None