



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 23 May 2023

COMMENCING AT 9:03 AM

ORDER OF BUSINESS:

1. ATTENDANCE

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

Mr. T. Brennan - Chief Executive Officer

Mr. N. O'Connor - Director Corporate and Community Services

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

Mr. T. Blackwell - Manager Community Services (Part)

Mrs. E. Devescovi - Manager Client Services (Part)

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

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

Mr. W. Saldumbide - Manager Operations (Part)

Mr. M. Pearce - Senior Planning Officer (Part)

Mrs. T. Quagliata - Community Development Officer (Part)

Apologies - Councillor John Bonanno

Minutes Clerk - Mrs. S. Iturriaga

2. PRAYER

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

9.10am - Mr. Saldumbide entered the meeting.

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Musumeci advised he had a Declarable Conflict of Interest in Item 4.4.5 Community Grants Panel Meeting Minutes - Round 4 - 3 May 2023 as he is the director of the South Burdekin Financial Services Boards who are currently engaged in their own Community Grants Scheme. Councillor Musumeci advised of his intention to leave the meeting prior to this discussion.

Councillor Boccalatte advised she had a Declarable Conflict of Interest in Item 4.4.5 Community Grants Panel Meeting Minutes - Round 4 - 3 May 2023 Item 1.7 Burdekin Artisan Community Association as she has received gifts which were donated back to Burdekin Artisan Community Association Inc. totalling \$1460.00. Councillor Boccalatte advised of her intention to leave the meeting prior to this discussion.

Councillor McLaughlin advised she had a Declarable Conflict of Interest in Item 4.4.5 Community Grants Panel Meeting Minutes - Round 4 - 3 May 2023 Item 1.5 Burdekin Netball Association Inc. as she is a Life Member of the Burdekin Netball Association who have applied for funding through the Community Grants Program.

9.12am - Mrs. Devescovi entered the meeting.

4. MINUTES AND BUSINESS ARISING

4.1. 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.

Resolution

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

CARRIED

4.2. Economic Development Advisory Group Meeting Minutes - 30 March 2023

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.

Resolution

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

CARRIED

4.3. Burdekin Shire Youth Council Meeting Minutes - 17 April 2023

Recommendation

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.

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 summarised in Items 3, 4 & 5 above be adopted.

Resolution

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

CARRIED

4.4. Audit Committee Meeting Minutes - 3 May 2023

Recommendation

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.

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.
-

Resolution

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

CARRIED

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

Mr. Brennan advised that if the three (3) Councillors who had declared a conflict of interest on this matter were to leave the meeting for in globo consideration of the recommendations there would not be a quorum. The Mayor requested and the meeting agreed to considering the proposed allocation of community grants to Burdekin Netball Association and Burdekin Artisan Community Association separately, therefore allowing for a quorum to be maintained.

9.32am Councillor Musumeci left the meeting at the commencement of this discussion as he had a Declarable Conflict of Interest in Item 4.4.5 Community Grants Panel Meeting Minutes - Round 4 - 3 May 2023 as he is the director of the South Burdekin Financial Services Boards who are currently engaged in their own Community Grants Scheme.

Recommendation

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.		\$4000.00
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	

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.

Resolution

Moved Councillor Furnell, seconded Councillor Detenon that the recommendation for approval of the Grants Applications Minutes - Round 4 - 3 May 2023 excluding Item 1.5 Burdekin Netball Association Inc. and Item 1.7 Burdekin Artisan Community Association be adopted noting the amendment to Item 1.1 Ayr Pastoral Agricultural & Industrial Assoc. to correct \$4000.00 Cash Funding to \$4000.00 In-kind Support.

CARRIED

9.34am Councillor McLaughlin left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in Item 4.4.5 Community Grants Panel Meeting Minutes - Round 4 - 3 May 2023 Item 1.5 Burdekin Netball Association Inc. as she is a Life Member of the Burdekin Netball Association who have applied for funding through the Community Grants Program.

Councillor Perry assumed the chair.

Resolution

Moved Councillor Detenon, seconded Councillor Furnell that the recommendation for Grants Application Minutes - Round 4 - 3 May 2023 Item 1.5 Burdekin Netball Association Inc. be adopted.

CARRIED

9.35am Councillor McLaughlin re-entered the meeting and resumed the chair.

9.36am Councillor Boccaltte left the meeting as she had a Declarable Conflict of Interest in item 4.4.5 Community Grants Panel Meeting Minutes - Round 4 - 3 May 2023 Item 1.7 Burdekin Artisan Community Association as she has received gifts which were donated back to Burdekin Artisan Community Association Inc. totalling \$1460.00.

Resolution

Moved Councillor Detenon, seconded Councillor Perry that the recommendation for Grants Application Minutes - Round 4 - 3 May 2023 Item 1.7 Burdekin Artisan Community Association be adopted.

CARRIED

9.37am - Councillor Musumeci and Councillor Boccalatte re-entered the meeting.

9.37am - Mr. Blackwell and Mrs. Quagliata left the meeting.

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

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.

Resolution

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

CARRIED

9.39am - Mrs. Devescovi left the meeting.

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

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.

Resolution

Moved Councillor Perry, seconded Councillor Furnell that the recommendation be adopted noting the amendment to the address of the property being corrected to "21 Gainsborough Drive, Ayr" replacing "521 Gainsborough Drive, Ayr".

CARRIED

9.42am - Mrs. Galletta entered the meeting.

6.3.2. Six Monthly Rating

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.

Resolution

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

CARRIED

9.46am - Mr. Pearce entered the meeting.

6.3.3. Monthly Financial Report - April 2023

Recommendation

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

Resolution

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

CARRIED

10.00am - Mrs. Olsen left the meeting.

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

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 detailed below:

Condition	Reason	Timing
1 General and Administration <u>Compliance with Conditions</u> 1.1 The Applicant (and any contractor, agent, <u>employee</u> 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 <u>with</u> 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 (<u>e.g.</u> kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately. <u>Infrastructure Conditions</u> 1.6 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.		
		At all times.

Condition	Reason	Timing
2 Approved Plans and Documents <u>Approved Plans & Documents</u> 2.1 The proposed development and use of the site must be completed, comply <u>with</u> 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

Associated Reports

Condition	Reason	Timing
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 <u>Specifically</u> 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.
Condition	Reason	Timing
development application including its supporting material provided to it by the Applicant. 4.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.		
5 Lighting 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. 5.2 Lighting along, all internal access driveways and parking areas, is to be directed downwards <u>so as to</u> 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. 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. 5.4 All illuminated signage must be turned off when the facility is closed. Note: <i>Australian Standard 4282</i> to be checked at time of condition to ensure it is current, in terms of year of revision.	To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the <i>Environmental Protection Act 1994</i> .	Prior to commencement of the use and to be maintained for the life of the development.
6 Hours of Operation Unless otherwise agreed in writing by council, the activities associated with the use must only be conducted at the following times:	To ensure the development does not have a detrimental impact on the	At all times following the commencement of the use.

Condition	Reason	Timing
<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 	amenity of the surrounding land in accordance with relevant code/s and policy direction.	
<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 <u>tank</u> 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, <u>installation</u> and operation of Vapour Recovery Systems is in accordance with this condition of approval.</p> <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>	To ensure legislative compliance with Environmental Protection Act and relevant subordinate regulations and policies.	<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>

Condition	Reason	Timing
<ul style="list-style-type: none"> i. AS4897-2008 The design, <u>installation</u> 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, <u>installation</u> 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, <u>calibrated</u> and commissioned in accordance with the manufacturer's instructions. iii. <u>is capable of detecting</u> 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)) 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). 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 		

Condition	Reason	? Tell me more
<p>example, bunding, wastewater containment devices, interceptors and acoustic enclosures.</p> <p>7.3 Fuel dispensing area</p> <ul style="list-style-type: none"> 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. b) Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the demarcated areas. 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. 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). 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. 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. 		

Condition	Reason	Timing
<ul style="list-style-type: none"> g) All fuel dispensing areas (FDA) must be covered. A demarcation line is to be line marked on the drip line of the canopies. h) Operational plan should specify the size and certification for the efficiency of the collection system for preventing overflow. i) Submit to Council, certification by a suitably qualified person that the system has been installed in accordance with Development Approval conditions. 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>7.4 Contaminants/Hazardous chemicals</p> <ul style="list-style-type: none"> 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. b) An incidents register must be kept at the premises and it must record <ul style="list-style-type: none"> a) any incidents including but not limited to: <ul style="list-style-type: none"> any fire at the premises; and b) any release of contaminants not in accordance with the development approval conditions. 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: 		

Condition	Reason	Timing
<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 banded and covered areas or otherwise stored in a manner whereby any spillage is not subject to stormwater or stormwater runoff.</p> <p>g) Forecourts, carparking areas and driveways must not be hosed or washed to allow the release of contaminants to stormwater or into roadside gutters.</p> <p>h) Any interceptor tank installed for the purpose of collecting wastewater must be maintained to ensure that there is no possibility of overflow or spillage into stormwater.</p> <p>i) Rainfall and stormwater runoff which may contact wastes or contaminants on the site must not be released to any stormwater drain, roadside gutter or waters.</p>		

Condition	Reason	Timing
<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 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>	<p>To manage and to minimise the risk of causing environmental harm and to ensure adequate control measures are in place.</p>	<ul style="list-style-type: none"> i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Works to be completed prior to the commencement of the use. iii. To be maintained for the life of the development.

Condition	Reason	Timing
<ul style="list-style-type: none"> cease an activity. implement appropriate impact control measures. modify work plans or methods. 		
9 Site Management 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> <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, <u>services</u> and Council assets. Material storage on site. Stockpiling of materials on site. Emergency response procedures for fuel spills. Storage of hazardous materials. Waste management. 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 <u>approval by</u> Council and installed and maintained to the satisfaction of Council.	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. ii. <u>To</u> 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.	i. Technical details are to be submitted to Council as part of an application for Operational Work ii. At all times during the construction phase. iii. Maintained for the life of the development.
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	To ensure that the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure	i. Technical details are to be submitted to Council as part of an application for Operational Work.

Condition	Reason	Timing
December 2022, including (but not limited to) the following mitigation measures: 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 <u>2.2 metre high</u> acoustic barrier along the southern part of the western site boundary (height specified above the level of the adjacent carpark/driveway). c) A <u>5.5 metre high</u> 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.	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.	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 Environmental outlined in Condition 10 of this approval, have been achieved. 11.2 Certification must be provided by a suitably qualified acoustic consultant. 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.	To ensure that acoustic quality objectives of the <i>Environmental Protection (Noise) Policy</i> and the recommendations of the Noise Impact Assessment prepared by MWA Environmental dated 16 December 2022, have been effectively implemented/installed.	Technical details are to be submitted to council within one (1) month from the commencement of the use.

Condition	Reason	Timing
12 Noise Management - General 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. 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 <u>Leq</u> above background noise at the sensitive receptor from 6am to 10pm and 3Db above background level from 10pm to 6am. 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. 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.	To ensure the use does not cause a noise nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the <i>Environmental Protection Act 1994</i> .	At all times during operation, for the life of the development.

Condition	Reason	Timing
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.	To ensure use does not cause environmental nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the <i>Environmental Protection Act 1994</i> .	At all times during operation, for the life of the development.
14 Odour Management 14.1 Implement odour control measures during the operation and life of the development to prevent an environmental nuisance from affecting nearby sensitive receptors. 14.2 In the event of a complaint being received by Council in relation to odour associated with the use that is considered reasonable, the developer/ operator must engage a suitably qualified consultant to undertake an assessment addressing odour emanating from the site for this use in accordance with the provisions of the <i>Environmental Protection Act 1994</i> . 14.3 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of odour attenuation measures. The developer/operator must provide a copy of the report to Council and undertake any works (if required from the report) within 3 months at no cost to Council.	To ensure that the use does not cause an odour nuisance to nearby sensitive receptors, in accordance with the <i>Environmental Protection Act 1994</i> .	During the operation and life of the development.
15 Refuse Facilities and Waste Management		

Condition	Reason	Timing
<p>15.1 Refuse collection arrangements must be provided by the developer to the satisfaction of Council. In particular:</p> <p>a) The approved waste storage area is to be of sufficient size to house all garbage bins including recycling bins.</p> <p>b) Storage area is suitably paved, with a hose cock fitted <u>in close proximity</u> to the enclosure and drain to sewer via a legal sewer connection, provided.</p> <p>c) All waste generated <u>as a result of</u> 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 <u>stormwater</u>, 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, <u>transferred</u> 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>	<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>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Works to be completed prior to the commencement of the use.</p> <p>iii. To be maintained during the operation and life of the development.</p>

Condition	Reason	Timing
<p>a) the date, quantity and type of waste <u>removed</u>;</p> <p>b) a copy of any licensed waste transport vehicle <u>dockets</u>;</p> <p>c) the name of the licensed regulated waste removalist and/or disposal operator; and</p> <p>d) the intended treatment and/or disposal destination of the waste.</p> <p>These records must be available for inspection by Council when requested.</p>		
<p>16 Acid Sulfate Soils Management</p> <p>Should the soil and groundwater investigations reveal the presence of acid <u>sulfate</u> soils or potential acid <u>sulfate</u> soils, an Acid <u>Sulfate</u> Soils Management Plan must be prepared and submitted to Council for approval.</p>	<p>To ensure potential adverse impacts on the natural and built environment including infrastructure and human health <u>as a result of</u> acid <u>sulfate</u> soils are avoided in accordance with relevant legislation, code/s and policy direction.</p>	<p>If required, technical details are to be submitted to council as part of an application for Operational Work.</p>
<p>17 Car Parking, Access, Roadworks and Traffic</p> <p>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.</p> <p>17.2 All On-site parking must be designed in accordance with Australian Standard AS2890.1 (Off-street Parking) and certified by an RPEQ.</p> <p>17.3 All car parking facilities must be always maintained to a safe operating standard thereafter.</p> <p>17.4 All vehicles must enter and exit the site in a forward direction.</p> <p>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.</p>	<p>To ensure development is appropriately serviced by parking and access facilities in accordance with relevant code/s and policy direction.</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Works to be completed prior to the commencement of the use.</p> <p>iii. To be maintained during the operation and life of the development.</p>

Condition	Reason	Timing
<p>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.</p> <p>17.7 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately.</p>		
<p>18 Sewerage Supply</p> <p>18.1 The development must be connected to Council's sewerage network.</p> <p>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.</p> <p>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.</p> <p>18.4 Sewer manhole must be raised or otherwise constructed to avoid infiltration by stormwater.</p> <p>18.5 Sewer manhole to be of correct classification for design traffic loads.</p> <p>18.6 Inspection openings on sewer connection points must be raised to surface and trafficable.</p> <p>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.</p>	To ensure that the development is appropriately serviced by reticulated sewer infrastructure in accordance with relevant code/s and policy direction.	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Works to be completed prior to the commencement of the use.</p> <p>iii. To be maintained during the operation and life of the development.</p>
<p>19 Build over sewer/Adjacent to Services</p> <p>All structures are to be built in accordance with Council's "Erection of Structures Over or Adjacent to Sewers or Water Mains Policy".</p>	To ensure development is appropriately constructed in	

Condition	Reason	Timing
	accordance with relevant code/s and policy direction.	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Works to be completed prior to the commencement of the use.</p> <p>iii. To be maintained during the operation and life of the development.</p>
<p>20 Water Supply</p> <p>20.1 The development must connect to council's reticulated water system.</p> <p>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.</p> <p>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.</p> <p>20.4 The development must be serviced by the existing water service and meter located in Edwards Street.</p> <p>20.5 The existing service and water meter located in Munro Street must be disconnected and returned to Council.</p> <p>20.6 Provide sufficient on-site storage for firefighting purposes adequate to service the needs of the ultimate development.</p>	To ensure that the development is appropriately serviced by reticulated water infrastructure in accordance with relevant code/s and policy direction.	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Works to be completed prior to the commencement of the use.</p> <p>iii. To be maintained during the operation and life of the development.</p>

Condition	Reason	Timing
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 Professional Engineer Queensland (RPEQ) and in accordance with Council's requirements and all other relevant standards and policies. 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. 21.4 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system. 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. 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> .	i. To ensure the premises appropriately manages and conveys stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction. 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.	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 RPEQ including certification that the development will not cause adverse effects to adjoining or downstream properties or infrastructure <u>as a result of flooding impacts</u> must be submitted before the commencement of the use. iii. To be maintained for the life of the development.
22 Engineers Certification 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.		i. Civil works to be completed and documentation signed by a RPEQ

Condition	Reason	Timing
		must be submitted before the commencement of the use. ii. To be maintained for the life of the development
23 Landscaping and Fencing provisions 23.1 Provide along all street/road frontages, excepting pedestrian and vehicle access points and sight splay areas nominated in the Referral Agency Response: a) a minimum 2.0m wide landscaping strip planted with suitable plant species in accordance with Council's Policy. 23.2 Provide along all property boundaries adjoining residential and/or other uses: a) a minimum 2.0m wide landscaping strip planted with suitable <u>plant species</u> in accordance with Council's Policy for the entire length of these boundaries, located internally adjacent to the boundary fencing. 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. 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.	To ensure the development: (i) addresses privacy requirements for <u>users</u> ; (ii) softens the visual impact of the <u>development</u> ; (iii) complements or enhances the existing <u>streetscape</u> ; (iv) does not have a detrimental effect on the amenity of the surrounding land; and (v) addresses Crime Prevention through Environmental Design principles in accordance with the relevant code/s and policy direction of Council.	i. Technical details are to be submitted to Council as part of an application for Operational Work ii. Works to be completed before the commencement of the use. iii. To be maintained for the life of the development.

Condition	Reason	Timing
<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>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.</p>		
<p>24 Building</p> <p>Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.</p>	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.
<p>25 Screening of Plant and Utilities</p> <p>All plant and utilities must be screened or located so as not to be visible from the street.</p>	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.
<p>26 Signage</p> <p>26.1 Any signage to be associated with the use must be designed to the satisfaction of Council.</p> <p>26.2 To maintain amenity for the adjoining properties, no illumination of the signage is to occur unless otherwise approved by Council.</p>	To maintain amenity for the adjoining properties.	Prior to the commencement of the use.
27 Electricity and Communications		

Condition	Reason	Timing
Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.		
<p>28 Property Numbering</p> <p>28.1 Legible property numbers must be erected at the premises and must be maintained.</p> <p>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.</p>	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.
<p>29 Storage</p> <p>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.</p> <p>29.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>29.3 Any storage on site is required to be screened from view from all roads and adjacent properties.</p>	To ensure the development does not have a detrimental effect on the visual amenity of the surrounding area in accordance with relevant code/s and policy direction.	At all times following the commencement of the use.
<p>30 Commencement of Construction Works</p> <p>Council must be notified in writing of the proposed construction commencement date via Planning@burdekin.qld.gov.au</p>	To ensure Council is appropriately informed of construction works commencing.	At least two (2) weeks prior to commencement of works.
<p>31 Notice of Intention to Commence the Use</p> <p>Prior to the commencement of the use on the land subject to the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.</p>	To ensure Council is appropriately informed of that the use commencing and that all conditions of the relevant development permits have been complied with.	Prior to the commencement of the use.

Advice
<p>1 Infrastructure Charges An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.</p>
<p>2 General Council will not be obligated to upgrade any roads that provide access to the development <u>as a result of</u> increased vehicles numbers accessing the site.</p>
<p>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.</p>
<p>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.</p>
<p>Condition 23 – Landscaping and Fencing provisions Condition 24 - Building Materials Condition 25 - Screening of Plant and Utilities Condition 28 - Property Numbering Condition 29 - Storage</p>
<p>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, <u>supplied</u> or delivered for sale.</p>
<p>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 <u>as a result of</u> dust, odour, noise or lighting, in accordance with the <i>Environmental Protection Act 1994</i></p>
<p>7 Environmental Health – Construction Phase To ensure compliance with the <i>Environmental Protection Act 1994</i>:</p> <ol style="list-style-type: none"> Do not undertake any construction work during the following hours: <ol style="list-style-type: none"> on a Sunday or public holiday, at any time; or on a Saturday or business day, before 6.30 am or after 6.30 pm. unless otherwise approved in writing by Council. Remove any spills of soil or other material from the road or gutter immediately during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property. Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways. Confine dust and other emissions, such as fumes, sediments, light, or odour from the building work on site and take all reasonable steps to prevent a release to neighbouring properties. Contain all litter, building waste and sediments on the building site <u>by the use of</u> a skip and take any other reasonable steps during construction to prevent release to a neighbouring property or road. Carry out construction activities in accordance with the approved Construction Management Plan. Implement drainage, erosion and sediment control measures and maintain them in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Stormwater must not be contaminated by erosion and sediment runoff.

<p>h) Dispose of building construction and demolition waste only at an approved waste disposal facility.</p> <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>
<p>14 Chemical Storage</p> <p>Where chemicals are stored or handled on site, the storage and handling of chemicals must be in accordance with the relevant WHS Code of Practice.</p>
<p>15 Clearance to Structure (Ergon Energy)</p> <p>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.</p>
<p>16 Shadowing</p> <p>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.</p>
<p>17 Miscellaneous</p> <p>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.</p> <p>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</p> <p>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.</p> <p>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.</p>

Resolution

Moved Councillor Musumeci, seconded Councillor Boccalatte that the recommendation be adopted noting the following corrections:

- Section 6 - Deliveries (both Service Station and Shop supplies); 6 am - 6 pm every day, **excluding bulk fuel deliveries.**
- Item 17.1 - **A minimum of sixteen (16) carparks are to be provided on site at all times.**
- Item 23.1 - **All landscaping and fencing provisions to be completed in accordance with the approved plans and documents, except where varied by the conditions of this approval.**
- Item 23.2 - Provide along all street/road frontages, excepting pedestrian and vehicle access points, sight splay areas as nominated in the Referral Agency Response **and the corner portion of the site adjacent to the Edward and Munro Streets intersection.**
- Item 23.3 - **The landscaping strip located within the corner portion of the site adjacent to the Edward and Munro Streets intersection is to be suitably planted with shrubs and groundcovers only to ensure visibility is not restricted. The planting of any trees (including small canopy or otherwise) in this location is not permitted. All plant species to be in accordance with Council's Plant and Trees list and must avoid any weeds species.**
- The applicant shall submit, with the Operational Works application, a **revised** Landscaping Plan for the site. To guide species selection, the landscaping plan shall be in accordance with Council's Plant and Trees list and must avoid any weeds species.
- Item 23.7 - Acoustic fencing is to be designed, located and constructed strictly in accordance with the requirements of the Noise Impact Assessment prepared by MWA, **except where varied by the conditions of this development approval. A minimum 2.2m high acoustic barrier is to be located along the southern part of the western site boundary.**

CARRIED

13. DELEGATION

13.1. Australian Citizenship Ceremony

Recommendation

10.23am Citizenship Ceremony - The Mayor officiated at the Citizenship ceremony and the following Citizenship Candidates were confirmed as Australian Citizens:

Mr. Jeffrey Salvacion Jugo
Mrs. Mary Ann Salvacion Jugo
Miss. Nicol Claudette Ruaya
Mrs. Elsa Baliola Starr
Mr. Scott Gardner

10.50am - Meeting adjourned for Morning Tea.

11.10am - Meeting recommenced.

6.4. GOVERNANCE

6.4.1. Adoption of Council Property and Leasing Policy

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.

Resolution

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

CARRIED

6.4.2. Audit Committee Charter

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.

Resolution

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

CARRIED

11.15am - Mrs. Galletta entered the meeting.

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

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.

Resolution

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

CARRIED

11.23am - Mr. Saldumbide left the meeting.

7.3. PLANNING AND DEVELOPMENT

7.3.2. Development Application for Reconfiguring a Lot one (1) into two (2) Lots at 910 Home Hill Kirknie Road, Osborne

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 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, <u>contractor</u> 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, <u>power</u> or discretion that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.		
1.4 The proposed development must comply in full <u>with</u> all conditions of this approval, relevant Planning Scheme requirements and the relevant policies, guidelines and standards, as applying at the date of this approval, except as otherwise specified by any condition, to Council's satisfaction prior to the commencement of the use.		
1.5 All civil works associated with this development permit must be constructed by a suitably qualified/ licenced contractor and delivered as per the accepted design plans, as per Council specifications and requirements.		
1.6 Council's assessment of the design has been an audit only. In the issuing of this permit Council makes no acknowledgement that the design meets the above requirements.		
1.7 It is a condition of this permit that any errors in the design are the responsibility of the consulting engineer, and that any rectification costs which may be applicable are to be borne by the		

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>		

Condition	Reason	Timing						
2. Approved Plans and Supporting Documents								
<table border="1"> <thead> <tr> <th>Drawing Title</th><th>Drawing/Revision</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Proposed Lot Configuration</td><td>M2063-SK-01, Issue F, Sheet 1</td><td>20.03.23</td></tr> </tbody> </table> <p>Associated Reports</p> <p>Development application prepared by Milford Planning, February 2023 and the amended proposal Plan, email 20 March 2023.</p>			Drawing Title	Drawing/Revision	Date	Proposed Lot Configuration	M2063-SK-01, Issue F, Sheet 1	20.03.23
Drawing Title	Drawing/Revision	Date						
Proposed Lot Configuration	M2063-SK-01, Issue F, Sheet 1	20.03.23						
<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 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>2.3 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.</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								
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 indemnify 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.		

Resolution

Moved Councillor Musumeci, seconded Councillor Detenon that the recommendation be adopted noting the following Advice Condition:

1. as per the requirements of the State (Department of Transport and Main Roads), no access from the state-controlled Home Hill - Kirknie Road to proposed Lot 2 is permitted. Access to proposed Lot 2 is to be via the unnamed Council controlled road reserve located adjacent to the western boundary of Lot 206 on SB109.

CARRIED

11.28am - Mrs. Galletta left the meeting.

7.4. TECHNICAL SERVICES

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

11.1. Approval Leave of Absence - Councillor Detenon

Councillor Detenon requested approval for leave of absence for the period of 12 to 19 June 2023.

Resolution

Moved Councillor Musumeci, seconded Councillor Furnell that Councillor Detenon be granted a leave of absence for the period of 12 to 19 June 2023.

CARRIED

11.2. Approval Leave of Absence - Councillor Furnell

Councillor Furnell requested approval for leave of absence for the period of 13 to 16 June 2023.

Resolution

Moved Councillor Perry, seconded Councillor Detenon that Councillor Furnell be granted a leave of absence for the period of 13 to 16 June 2023.

CARRIED

12. CLOSED BUSINESS ITEMS

There being no further business the meeting closed at 12.12pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 13 June 2023.

MAYOR
