



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 22 August 2023

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

1. ATTENDANCE

Councillor Lyn McLaughlin, Councillor Sue Perry (Via Teleconference as arranged prior to the meeting and approved by the Chairperson) Councillor Kaylee Boccalatte, Councillor Michael Detenon, Councillor John Furnell, Councillor Max Musumeci

Mr. T. Brennan - Chief Executive Officer
Mrs. K. Olsen - Acting Director Corporate and Community Services
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services
Mr. T. Blackwell - Manager Community Services (Part)
Mrs. K. Galletta - Manager Planning and Development (Part)
Mr. P. Day - Manager of Environmental and Health Services (Part)
Ms. P. Prayaga - Coordinator Public Health and Environment (Part)
Mr. W. Saldumbide - Manager Operations (Part)

Apologies - Councillor John Bonanno
Mr. Nick O'Connor - Director Corporate and Community Services

Minutes Clerk - Mrs. S. Iturriaga

2. PRAYER

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

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor McLaughlin advised she had a Declarable Conflict of Interest in Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023 as her nephew is President of the Home Hill Harvest Committee and her close friends are Executive Members of the Burdekin Football Inc. Councillor McLaughlin advised of her intention to leave the meeting prior to this discussion.

Councillor Musumeci advised he had a Declarable Conflict of Interest in Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023 as his mother is on the Harvest Festival Committee. Councillor Musumeci advised of his intention to leave the meeting prior to this discussion.

Councillor Musumeci advised he had a Prescribed Conflict of Interest in Item 7.3.2 Superseded Planning Scheme Request - Proposed Material Change of Use for Bulk Store, General Industry, Environmentally Relevant Activity 7 and Hazardous Chemical Facility at 39-57 Home Hill Road, Ayr (Lot 1 on RP718903) as he has received a travel and accommodation package from Nutrien Ag Solutions as a result of his private company's dealing with the company, which is the applicant in this matter. Councillor Musumeci advised of his intention to leave the meeting prior to this discussion.

Councillor Boccalatte advised although she did not have a Declarable Conflict of Interest in Item 7.1.1 Change Representation on Decision Notice (MCU22/0016) Material Change of Use - Bulk Store and General Industry (Bulk Landscaping Supplies) 2-8 Railway Street, Ayr (Lot 15 on RP817086) but for the purposes of transparency she disclosed, the applicant Johnson's Landscaping & Earthmoving Pty Ltd were currently carrying out services on her property as a normal business transaction at arm's length.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 8 August 2023

Recommendation

That the minutes of the Ordinary Council Meeting held on 8 August 2023 be received as a true and correct record.

Resolution

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

CARRIED

9.13am Councillor McLaughlin left the meeting as she had Declarable Conflict of Interest in Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023 as her nephew is President of the Home Hill Harvest Committee and her close friends are Executive Members of the Burdekin Football Inc.

9.13am Councillor Musumeci left the meeting as he had Declarable Conflict of Interest in Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023 as his mother is on the Harvest Festival Committee.

As the Mayor had a declarable Interest in Item 4.4.2 Community Grants Panel Minutes - Round 1 - 2 August 2023 and Councillor Perry was attending Via Teleconference, under the Burdekin Shire Council Standing Orders, Clause 2.3, it is required that a nominated Councillor be chosen by the remaining Councillors to preside over the discussion. Councillor Furnell nominated Councillor Boccalatte to assume the chair during the discussion of Item 4.4.2 Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023. Councillor Musumeci Seconded. Councillor Boccalatte accepted.

4.2. Community Grants Panel Meeting Minutes - Round 1 - 2 August 2023

Recommendation

Item 1 – Consideration of Grants Applications Round 1 – 2023/2024 Financial Year

No.	Applicant	Recommended Cash Funding	Recommended In-kind Support
1.1	Home Hill High School P & C	\$2,830.00	\$1,360.00
1.2	Home Hill Harvest Festival Committee. (Applicant to provide full acquittal prior to receipt of cash funds or encouraged to apply in Round 2)	\$4,755.00	\$4,755.00
1.3	Ayr Tennis Association	\$1,600.00	\$255.00
1.4	Burdekin BMX Club Inc (Applicant to provide full acquittal prior to receipt of cash funds or encouraged to apply in Round 2).	\$1,270.00	\$900.00
1.5	Burdekin Aero Club	\$2,500.00	
1.6	Lower Burdekin Celtic Dancing Association	\$3,500.00	
1.7	Burdekin Football Inc	\$4,000.00	
1.8	Burdekin Art Society	\$1,800.00	
1.9	Disaster Relief Australia	NIL	

That:

1. the minutes of the Community Grants Panel Meeting held on 2 August 2023 be noted, and;
2. it be noted that the cash funds for Community Grants Panel for the 2023/2024 Financial Year is \$50,000.00 and;
3. the recommended funding as detailed in the minutes and noted in Item 1.1 – 1.9 be adopted and;
4. it be noted that the remaining cash funds available for the 2023/2024 Financial Year after the allocation from Round 1 will be \$27,745.00.

Resolution

Moved Councillor Furnell, seconded Councillor Detenon that the recommendation be adopted noting the recommended Cash Funding value for Home Hill Festival Committee should be \$5,000.00.

CARRIED

9.19am - Councillor McLaughlin and Councillor Musumeci entered the meeting. Councillor McLaughlin resumed the chair.

4.3. Audit Committee Meeting Minutes - 9 August 2023

Executive Summary

This report provides the Minutes of the Audit Committee Meeting held on 9 August 2023.

Recommendation

Item 3 Minutes from the previous Audit Committee Meeting

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

Items 4.1 and 4.2 Draft Financial Statements and Points of Note/Review Management Assurance and Compliance Representations

That the Committee endorse the management representations and draft financial statements with minor amendments to be implemented before submitting to the auditor.

Item 5.1 Internal Valuation Report

That the Committee note the Internal Valuation Report.

Item 6.1 and 6.2 QAO Briefing Paper and Interim Report

That the Committee note the QAO Briefing Paper and Audit progress update.

Item 6.3 Consider need for closed briefing session with Crowe Horwath/QAO

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

Item 7.1 Presentation of Risk Management Committee Meeting Minutes

That the Committee note the minutes of the Risk Management Committee Meeting held on 14 June 2023 and the Agenda and Papers be supplied to the Audit Committee along with the meeting minutes for future meetings.

Item 7.2 Progress Report on implementation of agreed management action items from Internal and External Audit

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

Item 7.3 Cyber-Security Update

That the Committee note the Cyber-Security Update.

That:

1. the minutes of the Audit Committee meeting held on 9 August 2023 be noted; and
2. the recommendations as detailed in the minutes and summarised in items 3 to 7.3 above be adopted.

Resolution

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

CARRIED

4.4. Burdekin Shire Youth Council Meeting Minutes - 17 July 2023

Executive Summary

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

Recommendation

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 17 July 2023 be noted and adopted.

Resolution

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

CARRIED

5. EXECUTIVE

5.1. CEO

5.1.1. Execution of Contracts – Macro-algae Bioremediation Project

Executive Summary

Council, at its meeting held on 11 July 2023, approved the delegation of powers to the Chief Executive Officer to negotiate, finalise and enter into contracts with RegenAqua Pty Ltd associated with the Macro-algae Bioremediation project. Under the project there are two (2) separate contracts, a design and construction contract for the new facility and following completion of construction, an operation and maintenance contract.

Contract negotiations have been ongoing and have recently been finalised, with both contracts being executed by the respective parties on 11 August 2023. The one major change from the details previously outlined to Council relates to the term of the operation and maintenance contract, with the proposed term of 15 years being reduced to 12 years. This is to reflect the current term of the Technology Licence held by RegenAqua through its parent company, Pacific Biotechnologies (Australia) Pty Ltd.

It is anticipated that site works on the new facility will commence in September/October 2023 following completion of the earthworks pad that is being constructed by Council.

Recommendation

That Council note the report by the Chief Executive Officer on the finalisation of contract negotiations with RegenAqua Pty Ltd for contracts associated with the design and construction and subsequent operation and maintenance of the Macro-algae Bioremediation facility at the Ayr-Brandon Waste Water Treatment Plant.

Resolution

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

CARRIED

5.2. ECONOMIC DEVELOPMENT

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.2. COMMUNITY DEVELOPMENT

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.3.1. Burdekin Shire Council Fees and Charges, Burdekin Theatre and Memorial Hall Hire Fee Discount and Not-for-Profit Definition

Executive Summary

Burdekin Shire Council's fees and charges currently provides a 20% discount (excluding labour hire rates) for community and Not-for-Profit organisations (NFP) for events at Burdekin Theatre and Memorial Hall. Historically discounting has not differentiated between local community NFP and for-profit businesses.

To rectify this anomaly Council will need to determine an agreed definition to apply to what constitutes community and/or Not-for-Profit organisations.

Recommendation

1. That the definition for Council approved community and Not-for-Profit organisations entitled to a 20% discount for hire (excluding labour hire costs) of the Burdekin Theatre and Burdekin Memorial Hall is:
 - A. Local Not-for-Profit Incorporated community organisations benefitting the Burdekin Shire Council Local Government Area, that have the following attributes:
 - a. does not operate for the profit, personal gain, or other benefit of particular people (for example, its members, the people who run the organisation, or their friends or relatives as defined by the Australian Charities and Not-for-profits Commission).
 - b. The assets and income of the organisation shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members of the organisation except as genuine compensation for services rendered or expenses incurred on behalf of the organisation.
 - c. have only charitable purposes that are for the public benefit.
 - d. not have a disqualifying purpose.
 - e. not be an individual, a political party or a government entity.
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B. Educational Schools and associated pre; primary and secondary school groups (as defined by the Australian Taxation Office) that are based in the Burdekin Shire Council Local Government Area.

2. That historical community discounting arrangements cease for hirers that do not meet the definition
3. That the Cultural Venues Manager meet with impacted organisations to inform them of the change.

Resolution

Moved Councillor Furnell, seconded Councillor Musumeci that the recommendation be adopted noting changes to the recommendation to now read:

1. That the definition for Council approved community and Not-for-Profit organisations entitled to a 20% discount for hire (excluding labour hire costs) of the Burdekin Theatre and Burdekin Memorial Hall is:

A. Local Not-for-Profit Incorporated community organisations benefitting the Burdekin Shire Council Local Government Area, that have the following attributes:

- a. does not operate for the profit, personal gain, or other benefit of particular people (for example, its members, the people who run the organisation, or their friends or relatives as defined by the Australian Charities and Not-for-profits Commission).
- b. The assets and income of the organisation shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members of the organisation except as genuine compensation for services rendered or expenses incurred on behalf of the organisation.
- c. have only charitable purposes that are for the public benefit.
- d. not have a disqualifying purpose.
- e. not be an individual, a political party or a government entity.

B. Educational Schools and associated pre; primary and secondary school groups (as defined by the Australian Taxation Office) that are based in the Burdekin Shire Council Local Government Area.

2. That the Cultural Venues Manager meet with impacted organisations to inform them of the change.

CARRIED

6.3.2. Monthly Financial Report - July 2023

Recommendation

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

Resolution

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

CARRIED

9.42am - Mr. Day and Ms. Prayaga entered the meeting.

9.48am - Mr. Blackwell left the meeting.

6.4. GOVERNANCE

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.1.1. Contract Term - Burdekin Cascades Caravan Park

Executive Summary

Each year that tenders are called for the management of Council services, the number of respondents is decreasing. This is an issue faced by many Councils. By extending the terms of the contract, Council may attract a wider variety of applicants.

Recommendation

That Council approves the extension to the term of the Burdekin Cascades Caravan Park management contract to a base period of five (5) years with two (2) x 12 month extensions.

Resolution

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

CARRIED

7.1.2. Adoption of Revised Herbicide Subsidy Policy

Executive Summary

Council and staff undertake a periodic review of the Herbicide Subsidy Policy to determine if any improvements or changes are required. The policy sets guidelines for providing financial support to Burdekin Shire landholders for provision of herbicide.

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

Recommendation

That Council adopts the attached revised Herbicide Subsidy Policy.

Resolution

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

CARRIED

7.1.3. Adoption of Revised Wild Dog Control Assistance Policy

Executive Summary

Council and staff undertake a periodic review of the Wild Dog Control Assistance Policy to determine if any improvements or changes are required. The policy sets guidelines for providing financial support to Burdekin Shire landholders who need assistance in baiting/trapping wild dogs on their property.

Recommendation

That Council adopts the attached revised Wild Dog Control Assistance Policy.

Resolution

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

CARRIED

7.1.4. 2022/2023 Annual Report of Actions and Progress in the Mosquito Management Plan 2020/2025

Executive Summary

The Council's Mosquito Management Plan 2020-25 was adopted by Council on 8 September 2020. Best practice includes a requirement for the progress of the Plan to be reviewed formally every 12 months by the Council and updates provided. This is the annual report for financial year 2022-23.

Recommendation

That the Report on the operational activities for 2022-2023 from the Council's Mosquito Management Plan 2020-2025 be received and noted.

Resolution

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

CARRIED

7.1.5. 2022/2023 Annual Report of Actions and Progress in Burdekin Shire Biosecurity Plan 2020/2025

Executive Summary

The Council's Biosecurity Plan 2020/25 was adopted by Council on 31 July 2020. The Plan includes a requirement for the progress of the Plan to be reviewed formally every 12 months by the Council and updates provided to all stakeholders. This is the annual report for financial year 2022/23.

Recommendation

That the Report on the operational activities for 2022/2023 from the Council's Biosecurity Plan 2020-2025 be received and noted.

Resolution

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

CARRIED

10.33am - Meeting adjourned for Morning Tea. At this time Mr. Day and Ms. Prayaga left the meeting.

11.04am - Meeting recommenced.

11.05am - Mrs. Galletta entered the meeting.

11.08am - Mr. Saldumbide entered the meeting.

7.2. OPERATIONS

7.3. PLANNING AND DEVELOPMENT

7.3.1. Change Representations on Decision Notice (MCU22/0016) Material Change of Use - Bulk Store and General Industry (Bulk Landscaping Supplies) 2-8 Railway Street, Ayr (Lot 15 on RP817086)

Executive Summary

Council is in receipt of Change Representations in relation to a number of conditions of approval for the Development Permit (MCU22/0016) issued for a Material Change of Use – Bulk Store and General Industry Bulk Landscaping Supplies at 2-8 Railway Street, Ayr (Lot 15 on RP817086).

Change Representations seeking a negotiated decision notice were lodged with Council on the 27 July 2023, by Milford Planning on behalf of the applicant Johnson's Landscaping & Earthmoving Pty Ltd (refer Attachment A).

The Change Representations seek to amend all or part of the following Conditions: 8,19,20,26 and 27 (refer Attachment B for copy of the original decision notice issued).

Council officers have reviewed and considered the Change Representations and have recommended technical amendments to Conditions 8 and 26 in part, with administrative only changes to Conditions 19, 20 and 27. Attachment C provides the amendments to the conditions where proposed deletions have been shown using ~~strikeout~~ and amendments and additions shown in **bold**.

Recommendation

That Council issue a Negotiated Decision Notice for the Development Permit (MCU22/0016) for a Material Change of Use – Bulk Store and General Industry Bulk landscaping Supplies at 2-8 Railway Street, Ayr, subject to the amended conditions, as set out below:

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 <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>Notice of Intention to Commence the Use</u> 1.4 Prior to the commencement of the use on the land the subject of 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. <u>Works – Applicant's Responsibility/Expense</u> 1.5 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. 1.6 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. 1.7 Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council. <u>Infrastructure Conditions</u> 1.8 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.		
2. Approved Plans and Documents		

Condition	Reason	Timing
<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.		
Approved Plans		
Drawing Title	Drawing/Revision	Date
Layout Concept Plan – Johnson's Landscaping & Earthmoving	M1975-SK-01; Issue D; Sheet 1	23.09.2022
Associated Reports		
Development application (including response to Information Request) prepared by Milford Planning.		

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/Limitation of Approval 4.1 This approval is limited to 'Bulk Store' and 'General Industry' uses as defined by Schedule 1, Division 2 – Defined Uses and Use Classes of <i>Burdekin Shire IPA Planning Scheme 2011</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.		
The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.		At all times.

Condition	Reason	Timing
<p>4.3 No other operations and/or activities are allowed other than that approved by this permit.</p> <p>4.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant.</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. Water Supply</p> <p>5.1 Development is to be connected to the existing Councils reticulated water supply network.</p> <p>5.2 Provide a statement and/or report from a suitably qualified person for assessment and approval by Council that:</p> <ul style="list-style-type: none"> i. provides a capacity assessment for the development's connection to Council's reticulated water supply network; and ii. details of how the development will achieve the required fire-fighting flows. <p>5.3 Obtain approval from Council for the statement and/or report in accordance with 5.2 above.</p> <p>5.4 Implement the requirements and recommendations of the approved statement and/or report. The approved statement and/or report will form part of the approval.</p> <p>5.5 Any alterations required to Council's water reticulation network must be submitted as part of the application for Operational Works and approved Council.</p> <p>5.6 Any alterations required to Council's water reticulation network are to be completed at the applicant's full cost with no cost to Council.</p>	To ensure that the premises is appropriately serviced by reticulated water supply infrastructure for general use and firefighting in accordance with relevant, legislation code/s and policy direction.	<ul style="list-style-type: none"> i. Prior to commencement of use and <u>at all times</u>. ii. Technical details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.
<p>6. On Site Wastewater Treatment</p>	To ensure that the premises is appropriately serviced in accordance with relevant	<ul style="list-style-type: none"> i. Prior to commencement of use and <u>at all times</u>.

Condition	Reason	Timing
<p>6.1 Provide a statement and/or report for assessment and approval by Council from a suitably qualified person that provides an assessment of the existing onsite sewage treatment infrastructure to demonstrate that it is suitably sized and complies with current standards for the proposed developments activities.</p> <p>6.2 Obtain approval from Council for the statement and/or report in accordance with 6.1 above.</p> <p>6.3 Implement the requirements and recommendations of the approved statement and/or report. The approved statement and/or report will form part of the approval.</p> <p>6.4 Any alterations proposed/required to the onsite sewage treatment infrastructure must be approved Council.</p> <p>6.5 Any alterations required are to be completed at the applicant's full cost with no cost to Council.</p> <p><i>Advisory Note: Any new wastewater treatment unit or land application system will require a plumbing and drainage permit prior to the commencement of work.</i></p>	legislation code/s and policy direction, as the site is not connected to Councils reticulated sewerage system.	<ul style="list-style-type: none"> ii. <u>Technical</u> details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.
<p>7. Stormwater</p> <p>7.1 Provide a Stormwater Management Plan for assessment and approval by Council for the development, prepared by a suitably qualified person that includes:</p> <ul style="list-style-type: none"> i. lawful point of discharge. ii. proposed drainage path downstream of the development site. iii. demonstrating how the proposed stormwater management will meet water quality and quantity requirements/guidelines. iv. demonstrates that the proposed works on site will not have a worsening effect on adjoining landowners as a result of this development. v. measures taken to minimise the risk of environmental harm to receiving waters and damage to Council's infrastructure. 	To ensure the premises appropriately manages and convey stormwater legally and in an environmentally responsible manner in accordance with relevant legislation, code/s and policy direction.	<ul style="list-style-type: none"> i. Prior to commencement of use and <u>at all times</u>. ii. Technical details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site.

Condition	Reason	Timing
<p>vi. Demonstrate how the development achieves the applicable stormwater management design objectives listed in Part G, Appendix 2 of the State Planning Policy, July 2017.</p> <p>7.2 Obtain approval from Council for the management plans in accordance with 7.1 above.</p> <p>7.3 Implement the requirements and recommendations of the approved management plans. The approved plans will form part of the approval.</p> <p>7.4 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 1% AEP.</p> <p>7.5 Any stormwater discharged to Railway Street surface drainage must be at a rate equal or lower than pre-development flows.</p> <p>7.6 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>7.7 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p>		
<p>8. Roadworks, Access, Parking and Traffic</p> <p>8.1 Access to the site must be left in and left out only.</p> <p>8.2 The installation of a concrete splitter island, adequate signage and pavement marking at the entrance to the property to direct traffic in the required direction to achieve the left in, left out control.</p> <p>8.3 Auxiliary Left Turn (AUL) treatment must be constructed for the left turn movement into the development site.</p> <p>8.4 A 3.0m widening with a 1 in 10 taper must be constructed on the left turn movement out of the development site.</p> <p>8.5 Access to the site must be left in and left out only. The installation of a concrete splitter island, adequate signage and pavement marking at the</p>	<p>To ensure development mitigates its impact on the road network and safety of road users in this location and is appropriately serviced by parking and access facilities in accordance with relevant legislation, code/s and policy direction.</p>	<p>i. Technical details are to be submitted to council as part of an application for Operational Work; and</p> <p>ii. Maintained for the life of the development.</p>

Condition	Reason	Timing
<p>entrance to the property to direct traffic in the required direction to achieve the left in, left out control.</p> <p>8.6 If the applicant requires the site to accommodate right in and right out traffic movements, then a Channelised Right Turn (CHR) treatment will be required on Railway Street.</p> <p>8.5 All widenings/intersection works within the road reserve must have an asphalt seal.</p> <p>8.6 Access to the site from the boundary to the gate must be bitumen seal, asphalt seal or concrete.</p> <p>8.7 All turn treatments must be designed in accordance with the relevant Austroads and TMR guidelines/standards for road design.</p> <p>8.8 Provide a minimum of ten (10) on site car parking spaces including sufficient disability car parking spaces.</p> <p>8.9 All on-site parking bays, loading areas and manoeuvring areas are to be designed in accordance with AS2890.1, AS2890.2 and AS 2890.6.</p> <p>8.10 Appropriate directional signage to be implemented on site.</p> <p>8.11 Ensure the area/s set aside for parking, vehicle manoeuvring and loading and unloading are not used for the storage or placement of goods or materials.</p> <p>8.12 Ensure the loading and unloading of vehicles, or vehicles waiting to be loaded or unloaded, and the delivery of goods to and from the premises are located and conducted to cause minimum interference.</p> <p>8.13 Ensure the car parking spaces for 'Staff' are designated and identified with appropriate signage.</p> <p>8.14 Prior to the construction of the access, submit a plan from a suitably qualified person showing:</p> <ol style="list-style-type: none"> Site specific layout plan of the location of the access. Construction materials. Existing surface levels. Finished surface levels. Length and width of access. 		

Condition	Reason	Timing
vi. A 1:50 scaled cross section through the proposed access. 8.15 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.		
9. Landscaping and Screening Maintain the existing mature trees and existing fencing provisions on site.	To ensure the existing appearance of the development is maintained in accordance with Council's policy direction.	To be maintained for the life of the development.
10. Notice of Intention to Commence the Use Prior to the commencement of the use on the land the subject of 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.		Prior to the commencement of the use.
10. Building Materials The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.	To ensure protection of matters of public 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.
11. Property Numbering Legible property numbers must be erected at the premises and must be maintained. 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.
12. Relocation of Services or facilities Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council.	To ensure development is appropriately serviced by public services and/or in accordance with relevant code/s and policy direction.	Prior to the development achieving on maintenance or commencement of use.
12 Storage 12.1 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. 12.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.	To ensure the development does not have a detrimental effect on the visual amenity in accordance with relevant code/s and policy direction.	At all times following the commencement of the use.

Condition	Reason	Timing
12.3 Any storage on site is required to be screened from view from all roads and adjacent properties.		
13. Screening of Plant and Utilities Unless otherwise agreed in writing by council, 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 land in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the development.
14. Soil Erosion Minimisation, Sediment Control Erosion and sediment control management including site specific stormwater treatment devices must be installed and maintained to the satisfaction of the Chief Executive Officer.	To ensure that receiving waters during operation of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.	At all times.
15. Air a. 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. b. A dust management plan must be prepared and submitted to council for assessment and approval.	To manage and to minimise the risk of causing environmental harm including the potential adverse impacts of dust hazards, as per the requirements of the Environmental Protection Act 1994.	Technical details are to be submitted to council as part of an application for Operational Work.
18. Environmental Health Contaminants/Hazardous chemicals 18.1 All chemicals and/or environmentally hazardous liquids must be contained within a covered, sealed and 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 18.2 An incidents register must be kept at the premises, and it must <u>record</u> i. any incidents including but not limited to; any fire at the premises; and ii. any release of contaminants not in accordance with the development approval conditions. 18.3 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained	To manage and to minimise the risk of causing environmental harm and to ensure that if a spill occurs there are adequate control measures in place.	i. Technical details are to be submitted to council as part of an application for Operational Work; and ii. Maintained for the life of the development.

Condition	Reason	Timing
<p>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>18.4 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>18.5 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>18.6 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>18.7 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>19 Environmental Management</p> <p>19.1 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>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.

Condition	Reason	Timing
<p>19.2 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>19.3 The plan must be prepared in accordance with Best Practice Erosion & Sediment Control – November 2008 (IECA White Book).</p> <p>19.4 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>19.5 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>19.6 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>19.7 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 <u>activity</u> • implement appropriate impact control <u>measures</u> • modify work plans or methods. 		<ul style="list-style-type: none"> iii. To be maintained for the life of the development.
<p>20. Site Management</p> <p>20.1 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:</p> <p><u>Pre and during construction and on-going site activities:</u></p>	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> i. Technical details are to be submitted to Council as part of an application for Operational Work

Condition	Reason	Timing
<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 spills Storage of hazardous materials Waste management <p>20.2 Provide a professionally prepared erosion and sediment control plan for the proposed earthworks that includes stormwater management and sediment controls during and post construction, for approval by Council and installed and maintained to the satisfaction of Council.</p>	<p>development and at the cessation of the use.</p> <p>ii. To ensure that receiving waters during construction of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.</p>	<p>ii. At all times during the construction phase.</p> <p>iii. Maintained for the life of the development.</p>
<p>21. Noise Management – General</p> <p>21.1 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>21.2 In the event of a complaint being received by Council in relation to noise associated with the use that is considered reasonable, the emission of noise from the development must not result in levels greater than 5dB Leq above background noise at the sensitive receptor.</p> <p>21.3 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>

Condition	Reason	Timing
<p>21.4 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>22. Odour Management</p> <p>22.1 Implement odour control measures during the operation and life of the development to prevent an environmental nuisance from affecting nearby sensitive receptors.</p> <p>22.2 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>22.3 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>

Nuisance		
<p>14. Environmental Management and Avoiding Nuisance</p> <p>14.1 At all times, the proposed activity shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards.</p> <p>14.2 No off site release of prescribed contaminants is permitted.</p> <p>14.3 The proposed activity must be conducted in a manner that applies such reasonable and practical means to avoid, minimise or</p>	<p>To manage and to minimise the risk of the development causing environmental harm and to ensure adequate control measures are in place.</p> <p>Concrete is a prescribed contaminant under the <i>Environmental Protection Act 1994</i>.</p>	<p>i. The Environmental Management Plan is to be submitted to Council as part of an application for Operational Work.</p>

Condition	Reason	Timing
<p>manage the mission or likelihood of emissions that constitutes noise, dust, light, vibration and odour nuisances.</p> <p><u>Environmental Management Plan</u></p> <p>14.4 An Environmental Management Plan (EMP) prepared by a suitably qualified and experienced person, must <u>be submitted</u> to Council for approval.</p> <p>14.5 The EMP must be site specific and activity specific for a general industry activity in this location.</p> <p>14.6 The EMP must address/detail at minimum <u>but not limited to</u>, matters of <u>site based</u> management pre, during and post construction, stormwater management, prescribed contaminants release, storage of hazardous chemicals, vibration, dust, noise, light and odour emissions, erosion sediment control and refuse and waste management. The EMP must also have a section for Incident recording including management and corrective action recording.</p> <p>14.7 The final EMP and its associated control measures and any conditions or amendments thereto approved by Council must be <u>implemented and maintained by the applicant/owner at all times</u>.</p> <p>14.8 A copy of the Environmental Management Plan for the site must be <u>held on site at all times</u> and produced if requested by Council officers. All staff, including sub-contractors, must be inducted and familiar with the plan.</p> <p>14.9 Where potential or actual environmental harm may be caused by the approved development, Council may at any time direct the applicant/owner, or persons acting on behalf of the applicant/owner, to:</p> <ul style="list-style-type: none"> i. cease an <u>activity</u> ii. implement appropriate impact control <u>measures</u> iii. modify work plans or methods. 	<p>The site is not connected to Council's reticulated sewerage system, therefore appropriate wastewater management on site must be addressed.</p> <p>To ensure that the use of the site does not cause unacceptable nuisance to nearby sensitive receptors, in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<ul style="list-style-type: none"> ii. All works to be completed and measures in place prior to the commencement of the use. iii. To be maintained for the life of the development.

Condition	Reason	Timing
<p>15. Outdoor Lighting</p> <p>15.1 Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in Australian Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>15.2 All illuminated signage must be turned off when the facility is closed.</p> <p><i>Note: Australian Standard 4282 to be checked at time of condition to ensure it is current, in terms of year of revision.</i></p>	<p>To ensure that the use does not cause a light nuisance to road uses in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>Prior to commencement of the use and to be maintained for the life of the development.</p>
<p>16. Refuse Facilities and Waste Management</p> <p>16.1 Refuse collection arrangements, waste and recycling services must be provided by the developer to the satisfaction of Council, in accordance with in particular:</p> <ul style="list-style-type: none"> a) The approved waste storage area is to be of sufficient size to house all refuse bins including recycling bins. b) 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>24.2 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>24.3 Waste and recycling services must be provided in accordance with Council's Waste Management Policy.</p> <p>16.2 Wastewater and solid waste shall not be released to <u>stormwater</u>, groundwater, waterbodies or onto the ground.</p> <p>16.3 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>16.4 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter, with appropriate records</p>	<p>To ensure the premises is appropriately serviced and to protect matters of public health and amenity in accordance with relevant legislation code/s and policy direction.</p>	<ul style="list-style-type: none"> i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Works to be completed prior to the commencement of the use. iii. To be maintained during the operation and life of the development.

Condition	Reason	Timing
<p>maintained. These records must be available for inspection by Council when requested.</p> <p>16.5 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>a) the date, quantity and type of waste removed.</p> <p>b) a copy of any licensed waste transport vehicle dockets.</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>17. Signage</p> <p>17.1 Any signage to be associated with the use may require further approvals.</p> <p>17.2 No illuminated signage permitted.</p>	To maintain amenity for the surrounding area.	Prior to the commencement of the use.
<p>18. 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 <u>times</u>:</p> <ul style="list-style-type: none"> ▪ Monday to Friday: 5am – 6pm. ▪ Saturday and Public Holidays: 6am - 4pm. ▪ Sunday and Public Holidays: 7am – 3pm. 	To ensure the development does not have a detrimental impact on the amenity of the surrounding land in accordance with relevant legislation code/s and policy direction.	At all times following the commencement of the use.
<p>19. Operational Works</p> <p>19.1 A Development Permit for Operational Works to carry out civil works required as a result of complying with conditions of the planning approval, is required prior to any works commencing on site.</p> <p>Obtain an Operational Works – Development Permit for the following:</p> <ul style="list-style-type: none"> i. Condition 5 – Water Supply (if required) ii. Condition 6 – On Site Wastewater Treatment (if required) iii. Condition 7 – Stormwater iv. Condition 8 – Roadworks, Access, Parking and Traffic v. Condition 17 – Dust Management vi. Condition 18 – Environmental Health 		<p>i. Technical details are to be submitted to council as part of an application for Operational Work; and</p> <p>ii. Maintained for the life of the development.</p>

Condition	Reason	Timing
<p>vii. Condition 19 – Environmental Management</p> <p>viii. Condition 20 – Site Management</p> <p>ix. Condition 24 – Refuse Facilities</p> <p><i>Note - All engineering, soil erosion and sediment control design and documentation associated with such an application must be prepared and, where necessary, certified by a suitably qualified/experience person.</i></p> <p>19.2 An application for Operation Works is to be submitted to Council for assessment within 30 business days of receipt of planning approval for the material change of use.</p>		
<p>20. Building Approval – Site Office Building</p> <p>A development permit for building works for the site office is to be obtained before commencement of the use and any assessable building works are carried out on the land the subject of the approval.</p>		

Advice

1. Infrastructure Charges Not Applicable.
2. General Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.
3. Water Supply 3.1 Section 41 of the <i>Water Supply (Safety and Reliability) Act 2008</i> allows Council to impose restrictions on a customer should it consider: a. there is an urgent need for the service provider water restriction; or b. the available water supply has fallen to a level at which unrestricted use of the water is not in the public interest. 3.2 Should the water supply demand at any time in the future exceed the proposed demand, Council may impose restrictions on the supply of water to the property. If the applicant or any future owners of the subject site or part of the site require additional capacity in Council water supply, they may apply to Council to upgrade the network at the applicant's full cost. 3.3 Any proposed connection to Council water supply infrastructure is to be carried out by the Council at the applicant's full cost.
4. Uses other than Bulk Store and General Industry Any other uses proposed on this lot that are not defined as 'Bulk Store' and 'General Industry' and/or separately defined in <i>Council's Planning Scheme</i> will require a separate development application and permit as per the Planning Scheme requirements.
5. Further Approvals Required a) Operational Work A Development Permit for Operational Works to carry out civil works associated with the planning approval is required prior to any works commencing on site. An application seeking an Operational Works approval associated with the following conditions must be submitted to Council for approval within thirty (30) business days upon receipt of the planning approval for the material change of use, unless otherwise approved by Council. b) Building Works A Development Permit for Building Works to carry out building works prior to works commencing on site. c) Plumbing Works A Development Permit for Plumbing Works to carry out plumbing works prior to works commencing on site. d) Road Works Permit A Roadworks permit for works within the road reserve must be obtained.
6. Further Inspections Required Compliance with Conditions Inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to a further approval.
7. Storage of Materials and Machinery All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by council.
8. Building Work Noise The hours of audible noise associated with construction and building work on site must be limited to between the hours of: <ul style="list-style-type: none">6.30 a.m. to 6.30 p.m. Monday to Saturday; withNo work on Sundays or Public Holidays.
9. Building Over/Adjacent to Services The developer is advised that should any proposed building structures be located over/adjacent to an existing service, an application to Council for consent under Section 191 of the <i>Water Supply (Safety and Reliability) Act 2008</i> for building over or adjacent to services may be required.
16. 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 <i>Environmental Protection Act 1994</i> .
11. 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.

Resolution

Moved Councillor Detenon, seconded Councillor Boccalatte that the recommendation be adopted including the removal of Item 8.6 from Condition 8. Roadworks, Access, Parking and Traffic, as the applicant advised they do not require the site to accommodate right in and right-out traffic movements.

CARRIED

11.35am - Mr. Saldumbide left the meeting.

11.39am - Mr. Saldumbide entered the meeting.

11.49 Councillor Musumeci left the meeting at the commencement of this discussion as he had a Prescribed Conflict of Interest in Item 7.3.2 Superseded Planning Scheme Request - Proposed Material Change of Use for Bulk Store, General Industry, Environmentally Relevant Activity 7 and Hazardous Chemical Facility at 39-57 Home Hill Road, Ayr (Lot 1 on RP718903) as he has received a travel and accommodation package from Nutrien Ag Solutions as a result of his private company's dealing with the company, which is the applicant in this matter.

7.3.2. Superseded Planning Scheme Request - Proposed material Change of Use for Bulk Store, General Industry, Environmentally Relevant Activity 7 and Hazardous Chemical Facility at 39-57 Home Hill Road, Ayr (Lot 1 on RP718903)

Executive Summary

Council is in receipt of an application lodged by Mewing Planning Consultants on behalf of their client and applicant Nutrien Ag Solutions requesting that Council agree to consider their material change of use proposal under the superseded Planning Scheme (*Burdekin Shire IPA Planning Scheme 2011*), which will allow their proposal to be assessed against the provisions of that Scheme and will be subject to a code level of assessment.

Following determination of whether the proposal will be accepted for assessment against the Superseded Planning Scheme, the applicant will be required to lodge a formal development application for the proposed material change of use, being a Bulk Store, General Industry, Environmentally Relevant Activity 7 and Hazardous Chemical Facility at the existing Nutrien Ag Solutions premises located 39-57 Home Hill Road, Ayr.

Recommendation

That Council agree to the request by Mewing Planning Consultants on behalf of their client and applicant Nutrien Ag Solutions, for Council to apply the Superseded Planning Scheme, specifically to the carrying out of development that was code assessable under the *Integrated Planning Act 1997* Superseded Planning Scheme (*Burdekin Shire IPA Planning Scheme 2011*) pursuant to section 29(4)(b) of the *Planning Act 2016*, in the assessment of the proposed development.

Resolution

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

CARRIED

11.53am - Mrs. Galletta left the meeting.

11.53am - Councillor Musumeci entered the meeting.

11.55am - Mr. Wellwood left the meeting.

12.00pm - Mr. Wellwood entered the meeting.

7.4. TECHNICAL SERVICES

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

11.1 Request to Send Letter to Canegrowers Collectives for Consideration to be Given to Time and Conditions when Growers are Burning on the Edge of Urban Areas

Councillor Furnell requested Council send a letter to the Canegrowers Collectives for consideration to be given to the timing and conditions when growers are burning cane near the edge of urban areas.

Resolution

Moved Councillor Furnell, seconded Councillor Musumeci that Council send a letter to the Canegrowers Collectives for consideration to be given to the timing and conditions when growers are burning cane on the edge of urban areas.

FOR - Councillors John Furnell, Sue Perry, Max Musumeci

AGAINST - Councillors Lyn McLaughlin, Michael Detenon, Kaylee Boccalatte

As the vote was tied, the Mayor used her casting vote to maintain the status quo determining that a letter will not be sent to the Canegrowers Collectives.

CARRIED

12. CLOSED BUSINESS ITEMS

13. DELEGATION

There being no further business the meeting closed at 12.21pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 12 September 2023.

MAYOR
