



# Burdekin Shire Council

## **AGENDA**

### **ORDINARY COUNCIL MEETING**

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

**on 24 October 2023**

**COMMENCING AT 9:00 AM**

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## **ORDER OF BUSINESS:**

### **ATTENDANCE**

- 2. PRAYER**
- 3. DECLARATIONS OF INTEREST**
- 4. MINUTES AND BUSINESS ARISING**
  - 4.1. Ordinary Council Meeting Minutes - 10 October 2023**
  - 4.2. Burdekin Shire Youth Council Meeting Minutes - 11 September 2023**
- 5. EXECUTIVE**
  - 5.1. CEO**
  - 5.2. ECONOMIC DEVELOPMENT**
- 6. CORPORATE AND COMMUNITY SERVICES**
  - 6.1. CLIENT SERVICES**
  - 6.2. COMMUNITY DEVELOPMENT**
    - 6.2.1. Public Access to Computers and Internet at Shire Libraries Policy Review**
  - 6.3. FINANCIAL AND ADMINISTRATIVE SERVICES**
    - 6.3.1. Monthly Financial Report - September 2023**
  - 6.4. GOVERNANCE**
- 7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES**
  - 7.1. ENVIRONMENTAL AND HEALTH SERVICES**
  - 7.2. OPERATIONS**
  - 7.3. PLANNING AND DEVELOPMENT**
    - 7.3.1. Development Application for Reconfiguring a Lot - One (1) lot into Two (2) lots at 150 Rossato Road, Carstairs (Lot 1 on RP720287)**
  - 7.4. TECHNICAL SERVICES**
- 8. NOTICE OF MOTION**
- 9. RECEIPT OF PETITIONS**
- 10. CORRESPONDENCE FOR INFORMATION**
- 11. GENERAL BUSINESS**
- 12. CLOSED BUSINESS ITEMS**
- 13. DELEGATION**

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

##### **Ordinary Council Meeting Minutes - 10 October 2023**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 10 October 2023 be received as a true and correct record.

##### **Attachments**

1. Minutes - Ordinary Council Meeting - 10 October 2023



**Burdekin Shire Council**

# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 10 October 2023**

**COMMENCING AT 9:00 AM**



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## **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. W. Saldumbide - Manager Operations  
Mr. K. Byers - Manager Technical Services (Part)

Minutes Clerk - Ms. G. Biffanti

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

### **2. PRAYER**

The meeting prayer was delivered by Reverend Malia Ma'u from the Burdekin Uniting Church.

### **3. DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

Councillor Boccalatte advised she had a Declarable Conflict of Interest in Item 7.2.1 Register of Pre-Qualified Suppliers - ACL/23/001 - Hire of Mobile Plant and Equipment (Wet and Dry Hire) and ACL/23/002 - Traffic Control Provider (Including Equipment) as her family business is engaged in a contract with a Vendor listed on the Supplier Listing. Councillor Boccalatte advised of her intention to leave the meeting prior to this discussion.

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

#### **4.1. Ordinary Council Meeting Minutes - 26 September 2023**

##### **Recommendation**

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

##### **Resolution**

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

CARRIED

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## **5. EXECUTIVE**

### **5.1. CEO**

#### **5.1.1. Council Workshops - September 2023**

##### **Executive Summary**

In line with its normal meeting arrangements, the Council conducted two (2) general workshops during September with workshops held on 5 and 19 September 2023.

A range of policy and operational issues were discussed by Councillors and staff at the workshops. A summary of the items discussed at the workshops is outlined in the report.

##### **Recommendation**

That the report on Council Workshops held on 5 and 19 September 2023 be received and noted.

##### **Resolution**

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

CARRIED

### **5.2. ECONOMIC DEVELOPMENT**

## **6. CORPORATE AND COMMUNITY SERVICES**

### **6.1. CLIENT SERVICES**

### **6.2. COMMUNITY DEVELOPMENT**

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

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## **6.4. GOVERNANCE**

### **6.4.1. Interest Free Loan Request - Home Hill Community Sports Club Incorporated**

#### **Executive Summary**

A formal request has been received from Home Hill Community Sports Club Incorporated for an interest free loan of \$20,000.00. The funds will be used towards the club's required contribution to an approved Minor Infrastructure Program grant to replace an end-of-life surface of the lawn bowls green at Home Hill.

#### **Recommendation**

That Council approve an interest free loan to Home Hill Community Sports Club Incorporated of \$20,000.00 towards the club's required contribution to an approved State Government Minor Infrastructure Program grant to replace an end-of-life surface of the lawn bowls green at Home Hill, noting that approval would require compliance with the following conditions:

1. Repayment at an annual amount of \$4,000.00 for a term of five (5) years; and
2. Release of an existing mortgage over the property in favour of Burdekin Shire Council; and
3. Execution a new mortgage or equivalent security, in favour of the Burdekin Shire Council, costs of which are to be borne by the applicant, with the mortgage of security continuing in place until such time as all monies due and payable to the Council has been repaid.

#### **Resolution**

Moved Councillor Detenon, seconded Councillor Musumeci that Council approve an interest free loan to Home Hill Community Sports Club Incorporated of \$20,000.00 towards the club's required contribution to an approved State Government Minor Infrastructure Program grant to replace an end-of-life surface of the lawn bowls green at Home Hill, noting that approval will require compliance with the following amended conditions:

1. Repayment at an annual amount of \$4,000.00 for a term of five (5) years; and
2. That the Home Hill Community Sports Club Incorporated provide suitable security for repayment of the loan through a mortgage in favour of the Burdekin Shire Council.

CARRIED

### **6.4.2. Working with Children Policy**

#### **Executive Summary**

Council delivers a range of services and programs to children and youth within our community and has a duty of care to ensure that these programs and services are offered in a safe environment. In recognition of the inherent risks associated with working with children and young people, in 2022 Council developed a broad Child and Youth Risk Management Strategy.

The Working with Children Policy was adopted as a key part of this strategy. The Policy has now been in effect for just over 12 months. Officers have reviewed the policy in accordance with the adopted review schedule and the Policy is now presented to Council

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for readoption.

### **Recommendation**

That Council adopts the Working with Children Policy as attached to this report.

### **Resolution**

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

CARRIED

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

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

### **7.2. OPERATIONS**

#### **7.2.1. Register of Pre-Qualified Suppliers - ACL/23/001 - Hire of Mobile Plant and Equipment (Wet and Dry Hire) and ACL/23/002 - Traffic Control Provider (Including Equipment)**

*9.19am Councillor Boccalatte left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 7.2.1 Register of Pre-Qualified Suppliers - ACL/23/001 - Hire of Mobile Plant and Equipment (Wet and Dry Hire) and ACL/23/002 - Traffic Control Provider (Including Equipment) as her family business is engaged in a contract with a Vendor listed on the Supplier List and could be perceived to have a conflict of interest.*

*9.20am - Mr. Byers entered the meeting.*

### **Executive Summary**

Tender submissions were received for a Register of Pre-Qualified Suppliers for the Approved Contractors Listings ACL/23/001 – Hire of Mobile Plant and Equipment (Wet and Dry Hire) and ACL/23/002 – Traffic Control Providers (Including Equipment) for a 3-year period of 1 October 2023 to 30 September 2026.

### **Recommendation**

That Council accepts the conforming tenders received for the Register of Pre-Qualified Suppliers for ACL/23/001 – Hire of Mobile Plant and Equipment (Wet and Dry Hire) and ACL/23/002 – Traffic Control Providers (Including Equipment) as per the listing below for the 3-year period of 1 October 2023 to 30 September 2026.

## Vendor responses summary

### ACL/23/001 - Hire of Mobile Plant and Equipment (Wet and Dry Hire)

Vendor /response	Out come
A ONE LOCATIONS & CONSULTING PTY LTD /VPR640455	Accepted
AJ & CM BURKE PTY LTD /VPR640685	Accepted
ATJ FARMING AND CONTRACTING /VPR640644	Accepted
BALLY'S CONCRETE PTY LTD /VPR640718	Accepted
BARNETT HAULAGE PTY LTD /VPR640876	Accepted
BAZZA'S TRUCK HIRE PTY LTD /VPR636575	Accepted
BETTA HIRE /VPR643734	Accepted
BQC QUARRIES /VPR640416	Accepted
BRABON GRADING PTY LTD /VPR638535	Accepted
BROOKS HIRE SERVICE PTY LTD /VPR641466	Accepted
BURDEKIN AQUAVAC PTY LTD /VPR641848	Accepted
C&R CONTRACTORS PTY LTD /VPR643597	Accepted
CENTROGEN PTY LTD /VPR643838	Accepted
CIVILPLUS CONSTRUCTIONS PTY LTD /VPR648751	Accepted
COATES HIRE OPERATIONS PTY LIMITED /VPR643829	Accepted
DANELLO'S EXCAVATIONS PTY LTD /VPR640986	Accepted
DENNIS ENTERPRISES (NQ) PTY LTD /VPR639896	Accepted
DOUGLAS MOVING PTY LTD /VPR640777	Accepted
DUIYER AVIATION SERVICES /VPR643471	Accepted
EJ GRADER HIRE SERVICES PTY LTD /VPR643213	Accepted
ELLIS PROFILING (QLD) PTY LTD /VPR640139	Accepted
FLEXIHIRE PTY LTD /VPR643176	Accepted
GD TRUCK HAULAGE PTY LTD /VPR636604	Accepted
GILCHRIST EXCAVATIONS PTY LTD /VPR643159	Accepted
GLOBAL HIRE AND SERVICE PTY LTD /VPR641672	Accepted
GOSSYS BOBCAT HIRE PTY LTD /VPR643566	Accepted
GRIGGS HAULAGE CONTRACTORS PTY LTD /VPR641523	Accepted
HASTINGS DEERING (AUSTRALIA) LIMITED /VPR643760	Accepted
HILLERY GROUP /VPR643800	Accepted
HODDER EXCAVATIONS PTY LTD /VPR637649	Accepted
JOE CARUSO CONSTRUCTION /VPR641426	Accepted
JOHN T BYERS PTY. LTD. /VPR642145	Accepted
JOHNSON'S LANDSCAPING & EARTHMOVING PTY LTD /VPR643298	Accepted
K2 PLANT PTY LTD /VPR648821	Accepted
LANGTREE'S MACHINERY HIRE & SALES PTY LTD /VPR648258	Accepted
LAYMAC EXCAVATIONS PTY LTD /VPR639945	Accepted
MAK DIESEL & EARTHMOVING CASE CONSTRUCTION /VPR643488	Accepted
NORTH WEST SERVICES PTY LTD /VPR643652	Accepted
NQ ALL TERRAIN HIRE /VPR638166	Accepted
OLSEN CONTRACTING PTY. LTD. /VPR641190	Accepted
ONSITE RENTAL GROUP OPERATIONS PTY LTD /VPR641417	Accepted
P & G TILTS /VPR641732	Accepted
PAMELLE PTY LTD /VPR641330	Accepted
PINNACLE HIRE PTY LTD /VPR643762	Accepted
QUAGLIATA CONTRACTING PTY LTD /VPR641546	Accepted
QUAGLIATA HAULAGE PTY LTD /VPR640208	Accepted
R.M. & S.P. HOLZNAGEL PTY LTD /VPR637961	Accepted
REVANA PTY LTD /VPR641955	Accepted

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ROLLERS QLD / VPR638555	Accepted
RYELLEN HELIWORK / VPR643517	Accepted
SHERRIN RENTALS PTY LTD / VPR642062	Accepted
SHORE HIRE PTY LIMITED / VPR643277	Accepted
STABILISED PAVEMENTS OF AUSTRALIA PTY LTD / VPR641606	Accepted
TOWNSVILLE CRANES / VPR641087	Accepted
TROPICAL AQUA BLASTING / VPR648188	Accepted
TUFFIN HARVESTING PTY LTD / VPR643455	Accepted
TUTT BRYANT HIRE PTY LTD / VPR643659	Accepted
WOODSY'S EQUIPMENT MAINTENANCE & BOBCAT HIRE / VPR640645	Accepted
Accepted	58

## Vendor responses summary

### ACL/23/002 - Traffic Control Provider (Including Equipment)

Vendor / response	Outcome
ALTUS TRAFFIC PTY. LTD. / VPR643303	Accepted
EAST COAST TRAFFIC CONTROL / VPR641634	Accepted
EVOLUTION TRAFFIC MANAGEMENT PTY LTD / VPR643280	Accepted
NSEW TRAFFIC SOLUTIONS / VPR643600	Accepted
TRAFFIC GROUP AUSTRALIA / VPR643727	Accepted
TRAFFIC QLD PTY LTD / VPR641896	Accepted
TRAFFIC SERVICES PTY LTD / VPR640333	Accepted
Accepted	7

## Resolution

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

CARRIED

9.25am - Councillor Boccalatte re-entered the meeting.

## 7.3. PLANNING AND DEVELOPMENT

### 7.4. TECHNICAL SERVICES

#### 7.4.1. TBSC/23/016 Tenders for the Supply and Delivery of One (1) Specialised Bitumen Patching Truck

##### Executive Summary

The *Local Government Regulation Queensland 2012* requires Council to invite written tenders for large sized contractual arrangements for goods and services purchased from a supplier that is expected to exceed \$200,000.00 ex GST per financial year. The purchase of the truck is in the category.

Tenders were called in TBSC/23/016 - Supply and Delivery of one (1) Specialised Bitumen

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Patching Truck. Tender closed on Monday 18 September 2023. Two (2) Prequalified suppliers were available in the following Local Buy Contract NPN 1.15-2 Specialised Trucks.

The dealer's responses were from two (2) manufacturers that consisted of four (4) trucks. These quotations were assessed using a multi-criteria weighting method.

### **Recommendation**

That Council accepts the quotation in TBSC/23/016 from Flocon Engineering Pty Ltd for one (1) Truck - Isuzu FVD 165-300 MLWB with a Flocon Bitumen Patching body for a total of \$398,355.09 excluding GST.

### **Resolution**

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

CARRIED

#### **7.4.2. TBSC/23/020 Tenders for the Supply and Delivery of One (1) Truck (approximately 15tGVM) Fitted with Street Sweeper Body (approximately 5m3)**

##### **Executive Summary**

The *Local Government Regulation Queensland 2012* requires Council to invite written tenders for large sized contractual arrangements for goods and services purchased from a supplier that is expected to exceed \$200,000.00 ex GST per financial year. The purchase of the truck is in the category.

Tenders were called in TBSC/23/020 - Supply and Delivery of one (1) Truck (approximately 15t GVM) fitted with Street Sweeper body (approximately 5m3). Tender closed on Thursday 31 August 2023. Three (3) Prequalified suppliers were selected in the following Local Buy Contract NPN 1.15-2 Specialised Trucks.

The dealer's responses were from three (3) body manufacturers that consisted of eighteen trucks. These quotations were assessed using a multi-criteria weighting method.

### **Recommendation**

That Council accepts the quotation in TBSC/23/020 from Rosmech Sales and Service for one (1) Truck - Hino FG1628 auto with Scarab Mistral (Rosmech Sales and Service) body for \$451,900.92 excluding GST with trade-in offer for Truck 20307 - Hino / Scarab Mistral (Rosmech) for \$120,000.00 excluding GST. Total value of this quotation is \$331,900.92 excluding GST.

### **Resolution**

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

CARRIED

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*9.32am - Mr. Byers left the meeting.*

**8. NOTICE OF MOTION**

**9. RECEIPT OF PETITIONS**

**10. CORRESPONDENCE FOR INFORMATION**

**11. GENERAL BUSINESS**

**12. CLOSED BUSINESS ITEMS**

**13. DELEGATION**

There being no further business the meeting closed at 10.08am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 24 October 2023.**

**MAYOR**



## **4.2. MINUTES AND BUSINESS ARISING**

### **Burdekin Shire Youth Council Meeting Minutes - 11 September 2023**

<b>File Reference:</b>	<b>137</b>
<b>Report Author:</b>	<b>Tammy Quagliata, Community Development Support Officer</b>
<b>Authoriser:</b>	<b>Tony Blackwell, Manager Community Services</b>
<b>Meeting Date:</b>	<b>24 October 2023</b>

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#### **Purpose**

This report provides the minutes of the Burdekin Shire Youth Council Meeting held on 11 September 2023.

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

##### Item 5 - Volunteers for School Holiday Library Activity Program

That Council notes the proposed involvement of the Burdekin Shire Youth Council to volunteer in assisting in the September School Holiday Program held at the Ayr and Home Hill Library branches.

##### Item 6 - Volunteers for Seniors Month Luncheon - 23 October 2023

That Council notes the proposed involvement of the Burdekin Shire Youth Council to volunteer in assisting at the upcoming Seniors Month Luncheon to be held on 23 October 2023 at the Ayr Showgrounds Hall.

#### **Recommendation**

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 11 September 2023 be noted, and;
2. the recommendations as detailed in the minutes and summarised in Items numbers 5 and 6 above be adopted.

#### **Attachments**

1. Minutes - Burdekin Shire Youth Council Meeting - 11 September 2023

# Meeting Minutes

<b>Meeting</b>	Burdekin Shire Youth Council Meeting		
<b>Date</b>	Monday, 11 September 2023	<b>Time</b>	3:30 PM
<b>Attendees</b>	Zavier Wood – Youth Mayor Byrin Bojack – Burdekin Catholic High School Clodagh Liessmann – Burdekin Catholic High School Charlie Stanton-Cook – Home Hill State High School Eddie Jones – Ayr State High School Haigan MacDonald – Burdekin Catholic High School Jasmine Styles – Home Hill State High School Matilda Wiseman – Ayr State High School Sarah Shepherd – Ayr State High School William Wiseman – Ayr State High School  Tammy Quagliata – Community Development Officer, Burdekin Shire Council		
<b>Apologies</b>	Brent Dingle – Deputy Youth Mayor Joshua Machin – Secretary Emily Holmes – Burdekin Christian College Breanna Wood – Ayr State High School Jorda Quagliata – Ayr State High School Taliyah Lammon – Burdekin Catholic High School Martina Bojack – Home Hill State High School  Councillor Lyn McLaughlin – Mayor, Burdekin Shire Council Councillor Kaylee Boccalatte – Burdekin Shire Council Councillor John Furnell – Burdekin Shire Council		
<b>Chairperson</b>	Zavier Wood, Youth Mayor		
<b>Minutes Clerk</b>	Tammy Quagliata		
<b>Location</b>	John Hy Peake Heritage Rooms		

## Agenda Items

### 1. Minutes of 14 August, 2023 Meeting Received

Moved by Eddie Jones, seconded by Sarah Shepherd that the minutes of the Burdekin Shire Youth Council Meeting held on 14 August 2023, be received.

CARRIED

## **2. Business Arising from the Minutes**

- It was noted that only one (1) response was received regarding feedback on the Burdekin Show, therefore it was agreed that no correspondence be sent.

## **3. Correspondence**

### **Inward Correspondence**

1. Youth Endeavour Youth Scheme – Advising that applications are now open for the 2024 voyages in STS Young Endeavour for young Australian ages 16-23 years.
2. Ngaire Trigg, Community Development Officer, Townsville City Council – Inviting members of the Burdekin Shire Youth Council to network with Townsville Youth Councillors as part of their annual planning day to be held on Friday 22 September from 12pm-5pm.

*Note – Due to limited interest, it was agreed that an alternative catch up with Townsville City Youth Councillors be arranged at an alternative date in the future.*

### **Outward Correspondence**

NIL

Moved Sarah Shepherd, seconded Jasmine Styles that the inward correspondence be received.

CARRIED

## **4. Free Youth First Aid Course – Tuesday 11 September 2023, 9am to 4pm**

It was noted that Council is currently offering a youth focused First Aid Course to be held on Tuesday 19<sup>th</sup> September 2023. The training will be conducted at the Burdekin Theatre Foyer from 9am until 4pm. Morning tea and lunch will be provided for all attendees.

It was noted that the training is entirely free as a part of the Burdekin Shire Council's community capacity building initiative which has been made possible with funding from the Australian Government.

Tammy Quagliata advised that there are still a few spaces left if anyone is interested in attending.

## **5. Volunteers for School Holiday Library Activity Program**

Tammy Quagliata provided information on the upcoming School Holiday Program being held at the Burdekin Library and sought volunteers to assist with a number of activities.

Members advised their availability to assist, and it was noted that a volunteer roster would be forwarded to all members this week. Members were also encouraged to register to attend any of the sessions they would like to take part in.

## **6. Volunteers for Seniors Month Luncheon – Monday 23 October 2023, 11.00am to 1.00pm**

Tammy Quagliata advised that Council was hosting its annual senior's month luncheon on Monday 23 October 2023. Each year Youth Council members are invited to assist with serving lunch and mingling with attendees.

Correspondence would be forwarded to schools regarding this invitation and parental permission would be required to leave school to attend the event from 11am to 1pm.

Information would be circulated via email for all members to RSVP regarding their availability to attend. Members noted that this event also clashes with senior student block exams.

## 7. Outdoor Family Movie Night – Sunday 22 October 2023

Members were informed that the annual Family Movie Night being hosted by the Burdekin PCYC and Burdekin Shire Youth Council will be held on Sunday 22 October 2023 at the Burdekin Theatre Forecourt.

Discussions were held regarding possible family movies for the event. The list of suggestions would be forwarded to Andrew Sherrington at PCYC to see what was available. Volunteers to assist at the event would be discussed at the next meeting.

## 8. Members Update

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

## 9. Next Meeting – 9 October 2023

It was noted that the next meeting of the Burdekin Shire Youth Council would be held on Monday 9 October 2023 at the Burdekin Shire Council Chambers.

There being no further business, the meeting closed at 4.15pm.

## Actions Items from Meeting

	Action Item	Responsible Officer	Due Date	Status
	Investigate alternative Youth Leadership Development programs	Tammy Quagliata	Ongoing	
	Liaise with Burdekin Education Program regarding networking opportunities	Tammy Quagliata	Ongoing	
	Discuss options and ideas to celebrate the 30 <sup>th</sup> Anniversary of the Burdekin Shire Youth Council in 2024.	All members	Early 2024	
	Volunteer Roster for the September School Holiday Library Activity Program	All Members	29 September 2023	
	Volunteer Roster for Seniors Month Luncheon	All Members	23 October 2023	
	Coordinate meet & greet event with Townsville Youth Council	Tammy Quagliata	Ongoing	

## 6.2.1. COMMUNITY DEVELOPMENT

### Public Access to Computers and Internet at Shire Libraries Policy Review

**File Reference:** 1749

**Report Author:** Kate Wanchap, Library Services Manager

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

**Meeting Date:** 24 October 2023

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

Burdekin Shire Council Corporate Plan 2022-2027

1.1: Healthy, inclusive and socially engaged community.

1.1.2: Encourage equitable access to facilities and resources.

2.1.2: Facilitate the provision of information to encourage a digitally connected community.

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#### **Executive Summary**

The Public Access to Computers and Internet at Shire Libraries policy provides Council with a formally endorsed framework for computer, internet and Wi-Fi services provided through the Council's Libraries.

The Policy aims to promote the responsible and equitable use of computers and internet in the libraries being consistent with Library policies and Federal, State and Local Laws. The Policy covers censorship, copyright, risk of access, conduct and fees and charges. Minimal changes have been recommended as part of the 36 months review of the Policy.

The Policy has recently been reviewed.

#### **Recommendation**

That Council adopt the revised Public Access to Computers and Internet at Shire Libraries Policy as attached to this report.

#### **Background**

The Burdekin Library provides free public access to computers, internet and Wi-Fi at its Burdekin Library at Ayr and Home Hill Branch Library in alignment with the Service Level Agreement between the Library Board of Queensland and the Burdekin Shire Council, and in its role to facilitate and promote digital inclusion in an increasingly digitised society. The Public Access to Computers and Internet at Shire Libraries Policy was developed to create a framework that promoted the responsible and equitable use of computers and internet, and ensured compliance with relevant legislation. The policy covers censorship, copyright, risk of access, conduct, and fees and charges. The Policy has been reviewed by the Library Services Manager and updated as per Council's 36 months review schedule.

The main changes to the Policy include updating the:

- Risks of Action section - reducing the age of supervision from 18 to 16 years - to read "When a user is under the age of 16 years, supervision or restriction of a child's access to the internet is the responsibility of the parent/caregiver." This change is based on 16 years being the legal age for leaving school and medical consent in Queensland, and is consistent with other libraries' terms and conditions of use, for example, State Library of Queensland and City Libraries, Townsville City Council.

- Conduct section - clarifying unacceptable conduct in regard to the use of library facilities to conduct a business - to read "Unacceptable conduct includes, but is not limited to use of the Libraries' facilities to conduct a full-time business, excluding entrepreneurs and start-up businesses." This change shows that the Library supports local economic development and is consistent with how libraries are being used by and promoted to community members.
- Conduct and Fees and Charges sections - identifying the Library Services Manager as being responsible for using their discretion when "determining what constitutes a violation of this policy or the posted terms and when to refer issues to management for prosecution" by adding "at the discretion of the Library Services Manager". Adding "at the discretion of the Library Services Manager" to the phrase that Council may from time-to-time levy charges for use by non-members.

Minor changes to the Policy include:

- WIFI to Wi-Fi
- Adding a hyperlink to the Australian Library and Information Association's Statement on Online Content Regulation.
- Reordering some of the unacceptable conduct points to improve flow of the document - similar behaviours grouped together.

### **Consultation**

Information Communications and Technology, Community Development, Economic Development, Council Workshop on 3 October 2023.

### **Budget & Resource Implications**

Not Applicable.

### **Legal Authority & Implications**

The following legislation has been considered when reviewing and revising this policy:

- *Broadcasting Services Act 1992*
- *Copyright Act 1968*
- *Information Privacy Act 2009*
- *Local Government Act 2009*

### **Policy Implications**

This Policy is being renewed to ensure Library Services compliance with Federal, State and Local Laws and supports Council's Policy undertakings.

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

Revision of the Policy has included reviewing the policy in consideration of current laws, and in consideration of ensuring equitable service delivery to the community. The Policy outlines key risks including covering issues of security and privacy, equity and access and use of Council resources.

Risk has been assessed as low and mitigation strategies are supported by the Policy and the Library Services Manager.

## **Attachments**

1. Public Access to Computers and Internet at Shire Libraries Policy

Policy Type	Corporate
Function	Arts and the Library
Policy Owner	Manager Community Services
Policy Contact	Library Services Manager
Effective Date	10 October 2023

## Purpose

This policy provides a formally endorsed framework for computer, internet and Wi-Fi services provided through the Council's Libraries.

## Scope

This policy applies to all people at Council's Libraries accessing the public computers, Wi-Fi service or internet service.

## Policy Statement

To ensure equitable access to the internet and efficient use of resources, the Libraries reserve the right to establish terms and conditions for this use and to modify these terms and conditions when and where appropriate.

By using the Libraries' computer or internet service, users agree to these terms and conditions contained in the 'Terms and Conditions for Computer and Internet Access' available to the users prior to accessing the services.

By using the Libraries' electronic resources including the internet service, users release and discharge the Burdekin Shire Council and its employees from any liability which might arise including, but not limited to, loss of data, loss of privacy, offensive or inaccurate material or damage from viruses and malicious code.

Users should be aware that the downloading of or viewing of offensive or illegal information from the internet will be addressed in the first instance by the Library Services Manager and could lead to prosecution.

### Censorship

In line with the statement by the Australian Library and Information Association on [online content regulation](#), Burdekin Libraries do not filter or censor internet content. Powers of censorship are vested with Australian Federal and State Governments. Complaints about internet content must be addressed to the Australian Communications and Media Authority.

### Copyright

Much of the material (including software) available on the internet is under copyright. Users should be aware that, unless otherwise permitted by the *Copyright Act 1968*, unauthorised copying of a work in which copyright subsists (including digital copying) may infringe the copyright in that work. A copyright owner is entitled to take legal action against a user who infringes his or her copyright.



## Risks of Access

The Libraries are not responsible for filtering internet content or supervising internet use. Some material available on the internet is unsuitable for minors. When a user is under the age of 16 years, supervision, or restriction of a child's access to the internet is the responsibility of the parent/caregiver.

The internet enables access to material that is offensive and objectionable to many members of the public. The Libraries cannot protect clients from information they may deem offensive. The Libraries seek to address community concerns by placing public computers in full public view.

The internet is a largely unpoliced domain and internet services are not secure. Therefore, users should exercise caution when submitting personal details or other information that could have the potential to be misused.

Users should be aware that communications over a wireless network are not secure. Information sent from or to a wireless connected device can be captured by anyone else with a wireless device and appropriate software.

The Libraries cannot guarantee the quality of information on the internet. It is the responsibility of the user to determine the validity, quality and relevancy of the information accessed.

Data downloaded from the internet may contain viruses. Every user is responsible for maintaining virus-checking software on their home computing or portable equipment.

## Conduct

Any computer issues should be reported to Library staff immediately. Users should not attempt to 'repair' hardware or software issues.

Unacceptable conduct may lead to the suspension of Library internet privileges. Unacceptable conduct includes, but is not limited to:

- abuse of, or threats to Library staff.
- behaviour that causes disruption to other users including not using headphones when accessing sites with sound.
- destruction or damage to Library equipment or software.
- licence infringement.
- executing unauthorised software on the Library computers.
- attempting to modify or gain access to files, passwords or data belonging to others.
- use of the Libraries' facilities for any illegal activity.
- display or downloading of offensive inappropriate or illegal materials.
- illegal, criminal, or anti-social (intimidation, harassment, bullying) internet use.
- use of the Libraries' facilities to conduct a full-time business, excluding entrepreneurs and start-up businesses.
- refusal to vacate a public computer when a booking has expired.

Unacceptable conduct or abuse of the posted terms and conditions will be subject to sanctions at the discretion of the Library Services Manager. The Library Services Manager will determine what constitutes a violation of the posted terms and conditions of this Policy, and when to refer abuse issues to management for prosecution.

## Fees and Charges

Fees and charges are reviewed annually and are available from Library staff or in the Burdekin Shire Council Schedule of Fees and Charges on Council's website. Council at the discretion of the Library Services Manager may from time-to-time levy charges for use by non-members. Charges may be levied for printing and other consumables.

## Privacy

The State Government's *Information Privacy Act 2009* requires the Libraries to uphold the privacy of clients. We therefore do not actively monitor information or sites accessed by users of the Libraries internet connection. Personal information gathered by the Libraries is used only for the purposes for which it was originally gathered and is not disclosed to any external party unless this is lawfully required or unless such disclosure is necessary to counter a serious threat to individual or public safety.

## Exceptions

Nil.

## Objectives

The objective of this policy is to promote responsible and equitable use of computers and internet in the Libraries being consistent with library policies and Federal, State and Local Laws.

## Risk Management

This Policy mitigates several risks associated with the provision of fair and equitable access to internet services to members of the public. The policy outlines several specific risks associated with internet access and use and identifies the responsibilities of users of this service in response to those risks.

From time-to-time as new risks arise in relation to the provision of this service, council officers will apply Council's adopted Enterprise Risk Management Framework and may conduct formal and informal risk assessments to identify high-risk usage issues and to decide on the appropriate treatments.

## Legislation

*Broadcasting Services Act 1992*

*Copyright Act 1968*

*Information Privacy Act 2009*

*Local Government Act 2009*

## Definitions and Abbreviations

<b>Library or Libraries</b>	any library facility managed by Burdekin Shire Council.
<b>Public Computers</b>	any fixed or moveable device accessing internet content and other computing services managed for public use by the Libraries.
<b>Internet Service</b>	includes internet access provided by the Libraries through Wi-Fi or networked computers.

**Wi-Fi**

a facility allowing computers, smartphones, or other devices to connect to the internet or communicate with one another wirelessly within a particular area. For this policy Wi-Fi means the Burdekin Shire Council Library Wi-Fi.

**Document History and Version Control**

Title of Document	Public Access to Computers and Internet at Shire Libraries Policy
Document Reference Number	LIB-POL-0003 Rev 2
Review Schedule	36 months
Council Meeting Date	10 October 2023
Council Resolution Number	<a href="#">Click or tap here to enter text.</a>

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

#### **Monthly Financial Report - September 2023**

##### **Recommendation**

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

##### **Attachments**

1. Monthly Financial Report - September 2023
2. 2023-2024 Capital PCG Council - 30 September 2023 (Confidential)

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

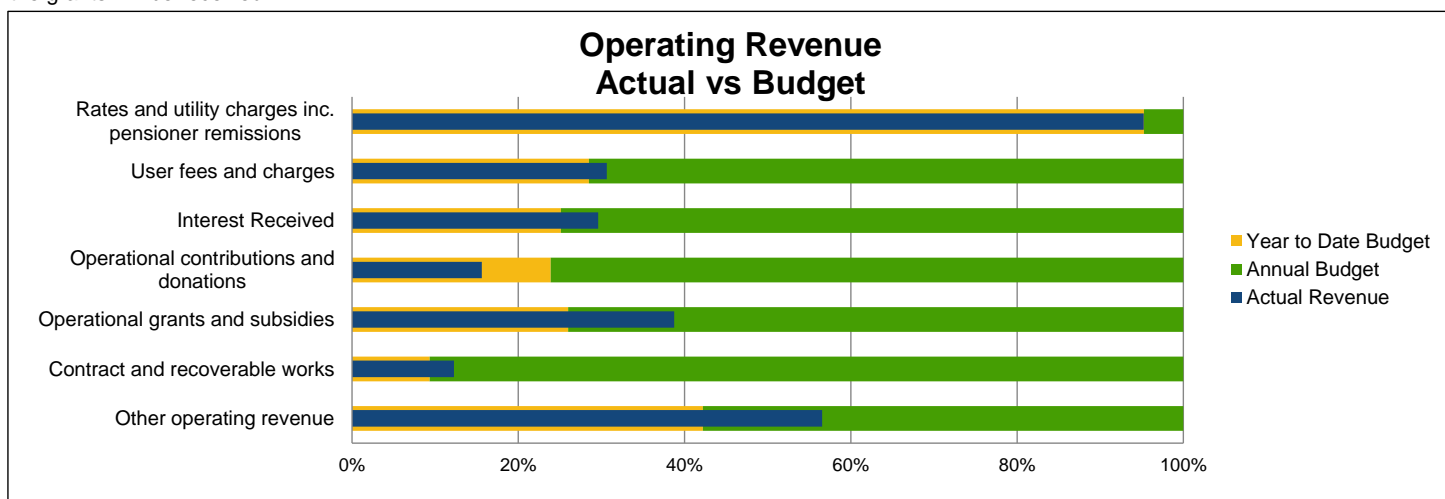
The revised budget was adopted by Council on 26 September 2023. This report has been prepared using the revised budget.

## FINANCIAL STATEMENTS AT A GLANCE

As at 30 September 2023	Actual \$	Annual Budget \$	YTD Revised Budget \$	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Total Operating Revenue	45,123,645	54,620,733	44,643,767	479,878	1%
Total Operating Expenses	14,417,351	60,080,396	15,741,232	-1,323,881	-8%
<b>Operating Position</b>	<b>30,706,294</b>	<b>-5,459,663</b>	<b>28,902,535</b>	<b>1,803,759</b>	<b>6%</b>
Capital Revenue	1,131,517	22,396,120	22,396,120	-21,264,603	-95%
<b>Net Result</b>	<b>31,837,811</b>	<b>16,936,457</b>	<b>51,298,655</b>	<b>-19,460,844</b>	<b>-38%</b>

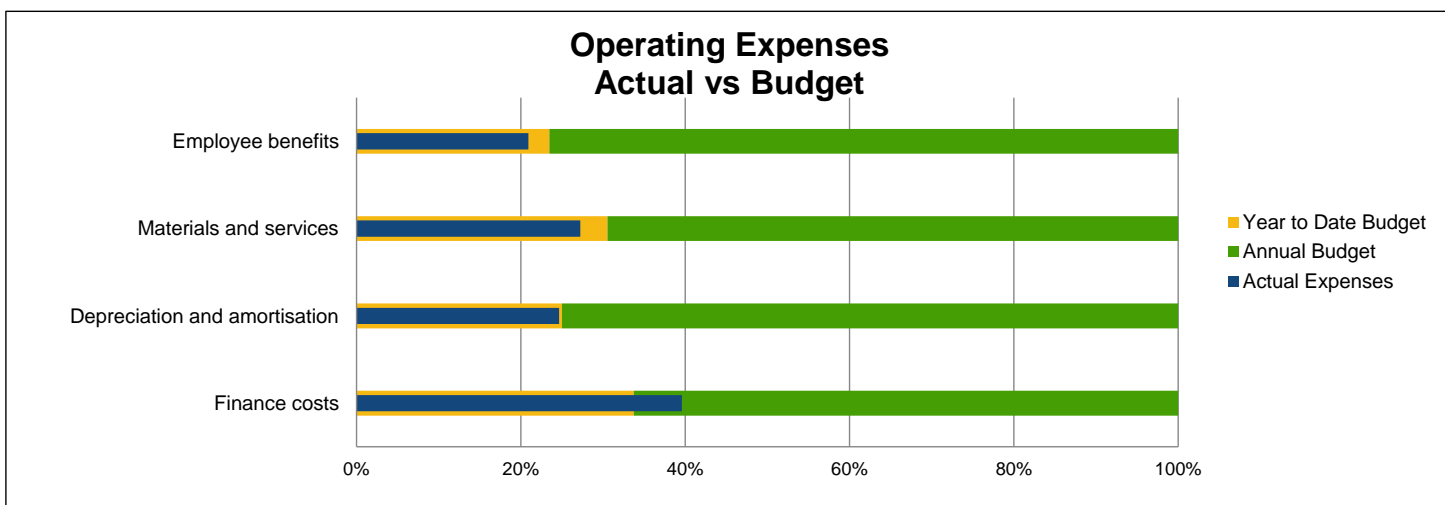
This report contains financial information for the period ending 30 September 2023. Council's operating position at month end is a \$30.7M surplus.

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



### Over Budget:

- Interest received - Over year to date as budget was spread evenly across the year.
- Operational grants and subsidies - Income received from QRA for 2023 event.
- Other Operating Revenue: Income received from scrap steel and bar sales at the Burdekin Theatre higher than budgeted.



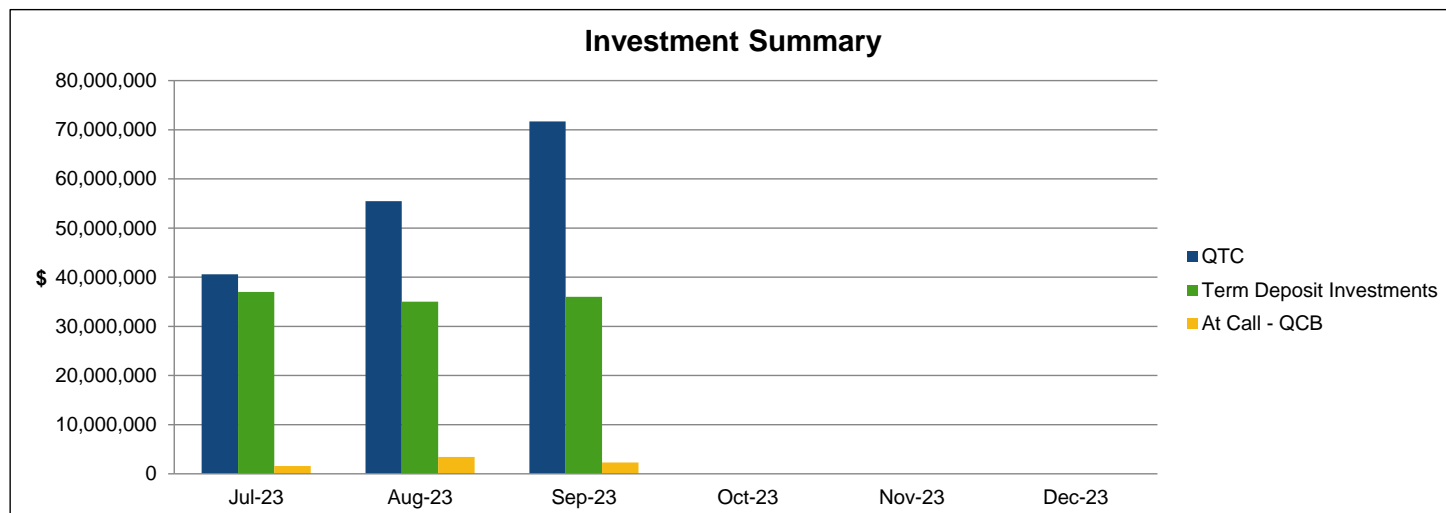
### Under Budget:

- Employee Benefits: Under budget due to staff leave and vacancies.
- Materials and services: Under budget due to timing of waste collection invoices and Lower Burdekin Water bulk water charges not yet paid.

## INVESTMENT PORTFOLIO

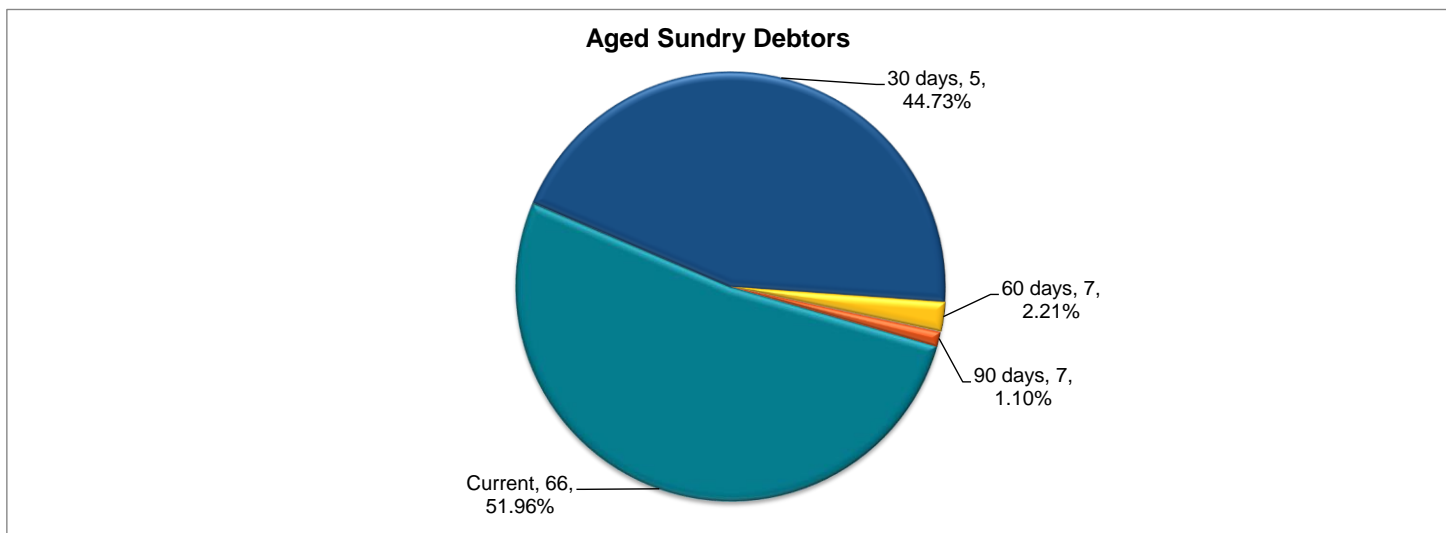
### Investment Report as at 30 Sep 2023 (including at call cash)

	Total Invested	Average Current Rate Weighted	% Invested
Bendigo	4,000,000	5.12%	3.6%
CBA	15,000,000	5.20%	13.6%
NAB	14,000,000	5.23%	12.7%
Suncorp	3,000,000	5.33%	2.7%
QTC	71,705,702	4.70%	65.2%
QCB General	2,315,120	2.25%	2.1%
<b>Total Funds</b>	<b>\$110,020,822</b>		



## SUNDRY DEBTORS

Total outstanding Sundry Debtors as at 30 September 2023 are \$617,939.45



## RATES

Arrears as at 1 July 2023		\$439,903
Levy and fees raised *	\$45,467,608	
Interest charged *	\$45,225	
Less Pensioner subsidy and rebate	\$683,682	\$44,829,151
Payments received		<u>\$41,575,908</u>
Arrears as at 30 September 2023		<u><u>\$3,693,146</u></u>
% Arrears September 2023		8.24%
% Arrears September 2022		9.33%
Pre-payments as at 30 September 2023		\$530,168
Pre-payments as at 30 September 2022		\$452,048

\* includes State Govt Emergency Management Levy

### Rates Debt Recovery

#### Collection House - Debt Referral

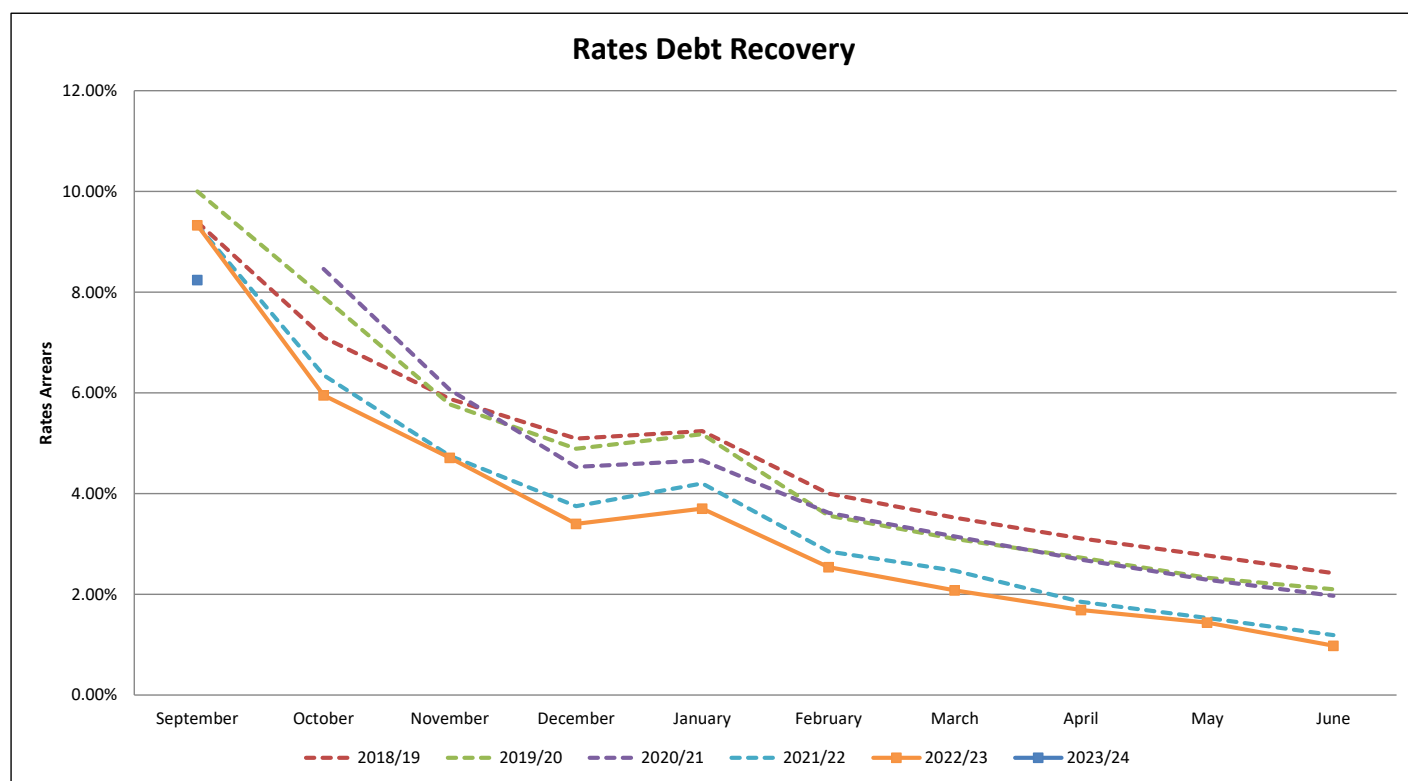
Council currently has 59 active files with Collection House with an outstanding balance of \$460,682.39.

#### Council Periodic Payment Plans

Council has 340 formalised periodic payment plans currently in place. These will continue to be monitored by Rates Staff to ensure conformance.

#### Collection House - Sale of Land

There is still one remaining property on the Sale of Land list. A Sales Notice for this property has now been advertised on Council's website. No offers have been received to date.



## OVERVIEW OF COUNCIL'S CAPITAL PROJECTS

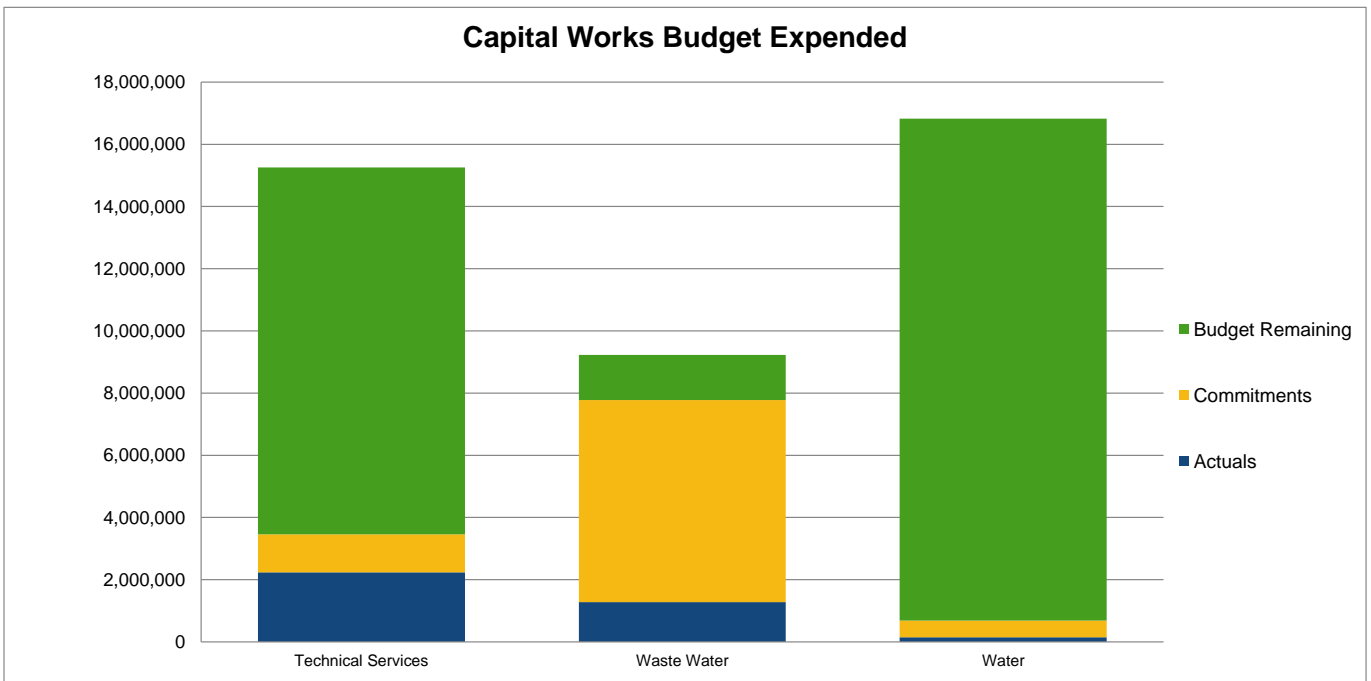
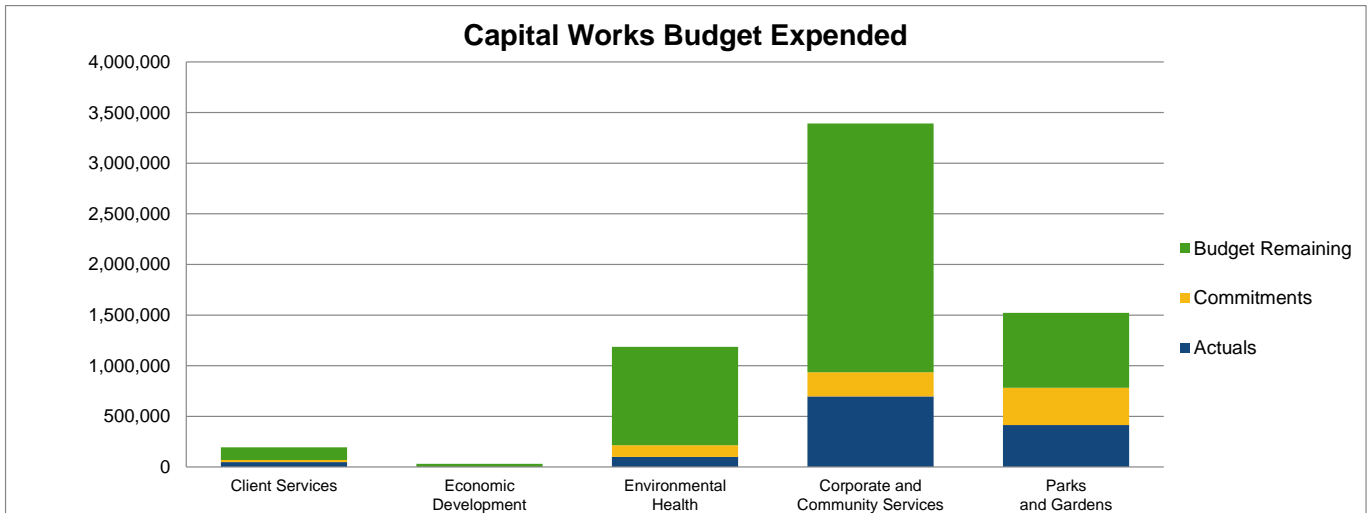
Capital expenditure incurred for the year to 30 September, is shown by asset category in the table below.

Capital project expenditure to 30 September is \$4,926,367. In addition to this, there is \$8,998,982 of commitments. Therefore totalling \$13,925,349.

### Financial Overview by Asset Category

Asset Category	Original Budget	Revised Budget	Actuals & Accruals	Commitments	Total
Client Services	\$ 176,000	\$ 194,715	\$ 47,513	\$ 21,136	\$ 68,649
Corporate and Community Services	\$ 1,566,850	\$ 3,392,430	\$ 697,139	\$ 239,350	\$ 936,489
Economic Development	\$ 30,000	\$ 30,000	\$ 731	\$ -	\$ 731
Technical Services	\$ 12,605,000	\$ 15,253,741	\$ 2,238,176	\$ 1,221,702	\$ 3,459,878
Environmental Health	\$ 1,039,900	\$ 1,186,238	\$ 99,773	\$ 114,409	\$ 214,182
Parks and Gardens	\$ 690,000	\$ 1,521,121	\$ 414,104	\$ 367,276	\$ 781,380
Waste Water	\$ 8,358,000	\$ 9,230,600	\$ 1,281,122	\$ 6,495,957	\$ 7,777,079
Water	\$ 16,080,000	\$ 16,827,351	\$ 147,809	\$ 539,152	\$ 686,961
Stores	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 40,545,750</b>	<b>\$ 47,636,196</b>	<b>\$ 4,926,367</b>	<b>\$ 8,998,982</b>	<b>\$ 13,925,349</b>

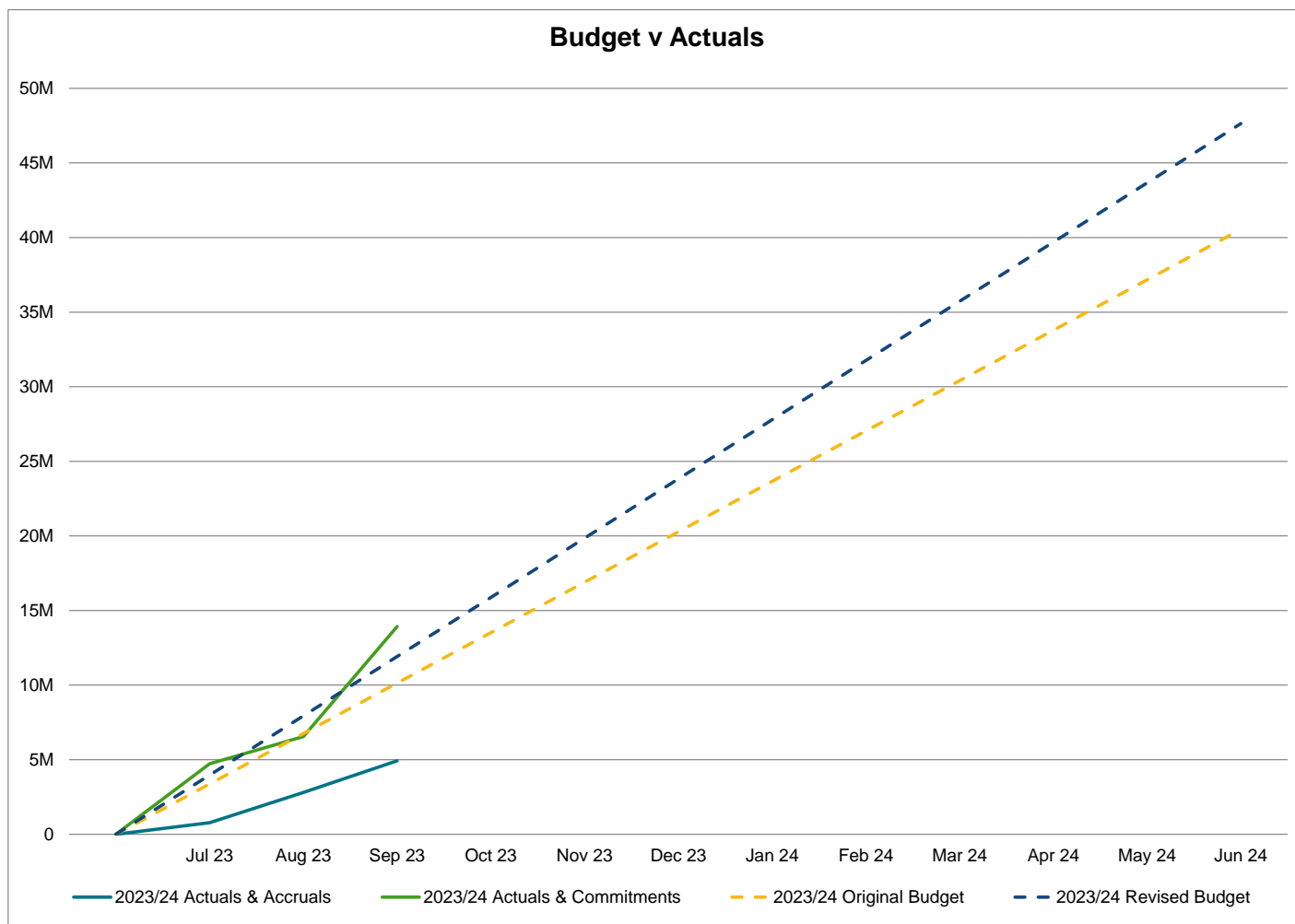
The below graph shows, by Asset Category, how much Council has spent (including accruals) on Capital Projects, compared to each budget.



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



## OVERVIEW OF COUNCIL'S CAPITAL PROJECTS



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

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

### APPENDIX 1 - OPERATING STATEMENT BY MANAGER

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

### APPENDIX 2 - TOTAL COUNCIL OPERATING STATEMENT

Attached is the Total Council Operating Statement for your information.

### APPENDIX 3 - STATEMENT OF FINANCIAL POSITION

Attached is the Statement of Financial Position as at 30 September 2023.

### APPENDIX 4 - STATEMENT OF CASH FLOWS

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

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Chief Executive Officer**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Operational contributions and donations	59	150	150	-1	0%
Other operating revenue	2,131	4,465	3,350	1,115	33%
<b>Total operating revenue</b>	2,190	4,615	3,500	1,115	32%
<b>Operating Expenses</b>					
Employee benefits	106,734	320,674	336,105	-15,431	-5%
Materials and services	36,000	76,675	121,425	-44,750	-37%
<b>Total operating costs</b>	142,733	397,349	457,530	-60,181	-13%
<b>Surplus (deficit) from operating activities</b>	-140,543	-392,734	-454,030	61,295	-14%
<b>Net result for period</b>	-140,543	-392,734	-454,030	61,295	-14%

**Comments**

**Other Operating Revenue**

Over budget due to unbudgeted income for Regional Reference Group meeting sitting fees.

**Materials and services**

Materials and services below budget as annual subscriptions to regional bodies not yet paid.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Director of Corporate & Community Services**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	7,077	39,586	34,400	5,186	15%
Operational contributions and donations	166	166	6,325	-6,159	-97%
Operational grants and subsidies	0	0	48,367	-48,367	-100%
Other operating revenue	581	908	875	33	4%
<b>Total operating revenue</b>	<b>7,823</b>	<b>40,660</b>	<b>89,967</b>	<b>-49,307</b>	<b>-55%</b>
<b>Operating Expenses</b>					
Employee benefits	60,071	170,187	158,758	11,429	7%
Materials and services	36,271	129,491	261,895	-132,404	-51%
Depreciation and amortisation	121,509	372,948	382,190	-9,242	-2%
<b>Total operating costs</b>	<b>217,851</b>	<b>672,626</b>	<b>802,843</b>	<b>-130,217</b>	<b>-16%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-210,027</b>	<b>-631,967</b>	<b>-712,876</b>	<b>80,910</b>	<b>-11%</b>
Capital contributions	0	0	10,000	-10,000	-100%
Capital grants and subsidies	0	0	131,298	-131,298	-100%
Other capital income (expense)	-3,361	-19,839	0	-19,839	-
<b>Net result for period</b>	<b>-213,388</b>	<b>-651,806</b>	<b>-571,578</b>	<b>-80,228</b>	<b>14%</b>

**Comments**

**User fees and charges**

Ahead of budget due to increased showgrounds facility hire.

**Operational contributions and donations**

Under budget due to timing of electricity reimbursement invoices being raised.

**Operational grants and subsidies**

Under budget due to timing of receipt of RADF and PCYC grant.

**Employee benefits**

Over budget due to minimal staff leave taken.

**Materials and services**

Under year to date budget due to PCYC annual payment accrued back to the 2022/23 financial year and invoice not yet received. Also under budget due to timing of payment to contract internal auditors.

**Capital contributions**

Contribution for installation of Sugar Cane Planter not yet received.

**Capital grants and subsidies**

Acquittal for Regional Airports program for Aerodrome fencing project to be completed in October. Capital grant funds to be transferred from Contract Liability when works are completed.

**Other capital income (expense)**

Part disposal of building assets at the Ayr Showgrounds.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Manager Client Services**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Operational grants and subsidies	36,607	36,607	11,400	25,207	221%
Other operating revenue	2,930	4,897	9,050	-4,153	-46%
<b>Total operating revenue</b>	<b>39,537</b>	<b>41,504</b>	<b>20,450</b>	<b>21,054</b>	<b>103%</b>
<b>Operating Expenses</b>					
Employee benefits	161,742	591,721	702,928	-111,207	-16%
Materials and services	162,562	1,243,273	1,138,906	104,367	9%
<b>Total operating costs</b>	<b>324,304</b>	<b>1,834,993</b>	<b>1,841,833</b>	<b>-6,840</b>	<b>0%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-284,767</b>	<b>-1,793,490</b>	<b>-1,821,383</b>	<b>27,894</b>	<b>-2%</b>
<b>Net result for period</b>	<b>-284,767</b>	<b>-1,793,490</b>	<b>-1,821,383</b>	<b>27,894</b>	<b>-2%</b>

**Comments**

**Operational grants and subsidies**

Annual Queensland Fire and Emergency Services SES operational grant received in September 2023 however the income was budgeted to be received in October 2023.

**Other operating revenue**

Under budget for Queensland Local Government Workcare for reimbursement of wages. Workcare payments are received as the need arises and therefore often varies to budget. Actual income for the month includes reimbursement for electricity charges at Burdekin Multipurpose Hall.

**Employee benefits**

Under budget in Annual leave and Superannuation with this being offset by sick leave and workers compensation being over budget. Workers Compensation is over budget as the annual fee was approximately \$38,000 higher than expected. Excess annual leave report and emails are due to be sent to staff in October. Superannuation is under budget due to the number of vacant positions and timing of new staff appointments.

**Materials and services**

Over budget due to the timing of the prepayments journal for IT Software Maintenance.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Manager Community Services**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	15,320	57,413	57,602	-189	0%
Operational grants and subsidies	0	0	74,473	-74,473	-100%
Other operating revenue	6,891	29,166	21,375	7,791	36%
<b>Total operating revenue</b>	<b>22,211</b>	<b>86,579</b>	<b>153,450</b>	<b>-66,871</b>	<b>-44%</b>
<b>Operating Expenses</b>					
Employee benefits	147,596	446,415	448,674	-2,260	-1%
Materials and services	154,468	470,058	500,324	-30,266	-6%
Depreciation and amortisation	9,771	29,964	29,825	139	0%
<b>Total operating costs</b>	<b>311,834</b>	<b>946,436</b>	<b>978,823</b>	<b>-32,387</b>	<b>-3%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-289,623</b>	<b>-859,857</b>	<b>-825,373</b>	<b>-34,484</b>	<b>4%</b>
Capital grants and subsidies	0	0	80,000	-80,000	-100%
<b>Net result for period</b>	<b>-289,623</b>	<b>-859,857</b>	<b>-745,373</b>	<b>-114,484</b>	<b>15%</b>

**Comments**

**Operational grants and subsidies**

Under budget due to timing of grant funds being received. This includes North Queensland Recovery and Resilience Grant for Community Capacity officer, First Five Forever and Service Development Subsidy.

**Other operating revenue**

Over budget due to Bar sales from performances and events at Cultural Venues exceeding projections.

**Materials and services**

Under budget due to timing of donations to be paid to community organisations.

**Capital grants and subsidies**

Under budget due to timing of receipt for quarterly Queensland State Library grant.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

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

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	-3	4,420,188	4,414,749	5,439	0%
User fees and charges	77,640	165,111	195,060	-29,949	-15%
Interest Received	44,383	87,785	68,775	19,010	28%
Other operating revenue	36,431	164,523	143,250	21,273	15%
<b>Total operating revenue</b>	158,452	4,837,607	4,821,834	15,773	0%
<b>Operating Expenses</b>					
Employee benefits	77,703	219,125	230,158	-11,033	-5%
Materials and services	345,433	475,850	687,424	-211,574	-31%
Depreciation and amortisation	39,639	121,560	125,050	-3,490	-3%
<b>Total operating costs</b>	462,776	816,536	1,042,632	-226,096	-22%
<b>Surplus (deficit) from operating activities</b>	-304,324	4,021,072	3,779,202	241,869	6%
Other capital income (expense)	0	-17,480	0	-17,480	-
<b>Net result for period</b>	-304,324	4,003,591	3,779,202	224,389	6%

**Comments**

**User fees and charges**

Under budget fees and charges for Kirknie Landfill and Waste Levy fees due to budget spread.

**Interest Received**

Over year to date for interest on investments as the budget was spread evenly over the year.

**Other operating revenue**

Over budget due to income received for scrap steel - extremely good rate per tonne received.

**Employee benefits**

Under budget due to staff leave taken during September.

**Materials and services**

Under budget due to timing of waste collection invoices.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

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

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	-2	87,478	87,500	-22	0%
User fees and charges	73,307	281,894	253,826	28,068	11%
Operational contributions and donations	2,401	18,777	29,500	-10,723	-36%
Operational grants and subsidies	0	0	5,271	-5,271	-100%
Other operating revenue	615	1,941	1,475	466	32%
<b>Total operating revenue</b>	<b>76,321</b>	<b>390,090</b>	<b>377,572</b>	<b>12,518</b>	<b>3%</b>
<b>Operating Expenses</b>					
Employee benefits	131,027	332,309	409,929	-77,620	-19%
Materials and services	192,383	499,669	458,442	41,227	9%
Depreciation and amortisation	29,502	90,472	91,625	-1,153	-1%
<b>Total operating costs</b>	<b>352,912</b>	<b>922,450</b>	<b>959,996</b>	<b>-37,546</b>	<b>-4%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-276,591</b>	<b>-532,359</b>	<b>-582,424</b>	<b>50,065</b>	<b>-9%</b>
Capital grants and subsidies	0	211,316	138,630	72,686	52%
<b>Net result for period</b>	<b>-276,591</b>	<b>-321,043</b>	<b>-443,794</b>	<b>122,751</b>	<b>-28%</b>

**Comments**

**User fees and charges**

Continued increase in the revenue from the Caravan Parks.

**Operational contributions and donations**

Under budget in herbicide subsidy landowner contributions due to budget spread.

**Operational grants and subsidies**

Under budget for operational grants and subsidies due to budget spread.

**Employee benefits**

Under budget due to Manager vacancy and other staff vacancies.

**Materials and services**

Over budget insurance premiums at Caravan Parks and Swimming Pools and revegetation works at Wunjunga due to budget spread.

**Capital Grants and Subsidies**

Funding received for Burdekin Water Park (LRCIP3). Final acquittal to be done to the end of September 2023.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Manager Financial and Administrative Services**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	0	30,181,527	30,193,444	-11,917	0%
Pensioner remissions	278,611	-354,740	-350,000	-4,740	1%
User fees and charges	6,576	37,002	30,250	6,752	22%
Interest Received	274,879	503,655	456,825	46,830	10%
Operational grants and subsidies	0	44,494	52,694	-8,200	-16%
Other operating revenue	0	268	0	268	-
<b>Total operating revenue</b>	<b>560,064</b>	<b>30,412,205</b>	<b>30,383,213</b>	<b>28,992</b>	<b>0%</b>
<b>Operating Expenses</b>					
Employee benefits	150,980	462,933	457,615	5,318	1%
Materials and services	22,732	400,455	468,350	-67,895	-14%
Depreciation and amortisation	38,170	119,689	113,075	6,614	6%
Finance Costs	17,223	31,680	27,000	4,680	17%
<b>Total operating costs</b>	<b>229,104</b>	<b>1,014,757</b>	<b>1,066,040</b>	<b>-51,283</b>	<b>-5%</b>
<b>Surplus (deficit) from operating activities</b>	<b>330,960</b>	<b>29,397,448</b>	<b>29,317,173</b>	<b>80,275</b>	<b>0%</b>
<b>Net result for period</b>	<b>330,195</b>	<b>29,396,683</b>	<b>29,317,173</b>	<b>79,510</b>	<b>0%</b>

**Comments**

**User Fees and Charges**

Over year to date budget due to income received from Change of Ownership fees being higher than budget estimates.

**Interest Received**

Over year to date for interest on investments as the budget was spread evenly over the year.

**Operational grants and subsidies**

Under budget due to Australian Apprenticeship Incentives payments, claims done in October to be paid by November.

**Materials and services**

Under budget for insurance premiums due to distribution from LG Liability Surplus higher than in previous years. Also under budget due to variable monthly subscription expenses.



**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Manager Operations - General Fund**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	17,508	43,111	48,000	-4,889	-10%
Operational contributions and donations	17,251	20,089	19,500	589	3%
Operational grants and subsidies	475	467,969	176,811	291,158	165%
Contract and recoverable works	3,686	6,164	17,100	-10,936	-64%
Other operating revenue	0	0	1,500	-1,500	-100%
<b>Total operating revenue</b>	<b>38,921</b>	<b>537,333</b>	<b>262,911</b>	<b>274,422</b>	<b>104%</b>
<b>Operating Expenses</b>					
Employee benefits	377,203	1,058,331	1,240,444	-182,113	-15%
Materials and services	351,595	1,149,254	1,224,242	-74,988	-6%
Depreciation and amortisation	101,459	309,793	321,925	-12,132	-4%
<b>Total operating costs</b>	<b>830,257</b>	<b>2,517,378</b>	<b>2,786,611</b>	<b>-269,234</b>	<b>-10%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-791,337</b>	<b>-1,980,045</b>	<b>-2,523,701</b>	<b>543,656</b>	<b>-22%</b>
Other capital income (expense)	0	-20,009	0	-20,009	-
<b>Net result for period</b>	<b>-791,337</b>	<b>-2,000,054</b>	<b>-2,523,701</b>	<b>523,646</b>	<b>-21%</b>

**Comments**

**User fees and charges**

Fees and charges are equally proportioned over twelve months and will stabilise in future reporting periods. Majority of the income received in September was from cemetery fees and charges. The balance of income in this period is from the Bush Chapel and Anzac Park Band Rotunda fees and issuing of Q100 flood certificates.

**Operational grants and subsidies**

Majority of income received to date from QRA for January 2023 event.

**Contract and recoverable works**

Revenue stream is variable throughout the year with forecast total revenue based on historical annual actuals. Revenue in the period represents recovery of costs for private works to clean up following a vehicle accident.

**Employee benefits**

Under budget Parks Operations, Drainage Maintenance and Works Supervision. Variation is largely attributable to emphasis on Capital Works program delivery during the drier climatic periods currently being experienced.

**Materials and services**

Under budget Parks Operations and Drainage Maintenance due to the current drier than average conditions. Over budget Public Conveniences year to date following receipt of a backlog of septic pumpout invoices from Home Hill Boat Club and an intensive mid tourist season cleaning at the Home Hill Comfort Stop. Septic pump outs reduce dramatically during the summer months as the patronage of the Groper Creek Caravan Park reduces.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Manager Operations - Sewerage**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	-289	4,441,631	4,441,920	-289	0%
User fees and charges	0	0	600	-600	-100%
Interest Received	104,334	211,651	161,475	50,176	31%
Operational contributions and donations	0	0	1,500	-1,500	-100%
Other operating revenue	0	295	0	295	-
<b>Total operating revenue</b>	<b>104,044</b>	<b>4,653,576</b>	<b>4,605,495</b>	<b>48,081</b>	<b>1%</b>
<b>Operating Expenses</b>					
Employee benefits	112,653	304,102	349,800	-45,698	-13%
Materials and services	79,723	361,155	351,360	9,795	3%
Depreciation and amortisation	140,380	425,532	434,575	-9,043	-2%
<b>Total operating costs</b>	<b>332,755</b>	<b>1,090,789</b>	<b>1,135,735</b>	<b>-44,946</b>	<b>-4%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-228,711</b>	<b>3,562,787</b>	<b>3,469,760</b>	<b>93,027</b>	<b>3%</b>
Capital grants and subsidies	646,055	646,055	4,277,865	-3,631,810	-85%
Other capital income (expense)	-8,120	-8,120	0	-8,120	-
<b>Net result for period</b>	<b>409,224</b>	<b>4,200,722</b>	<b>7,747,625</b>	<b>-3,546,903</b>	<b>-46%</b>

**Comments**
**Interest Received**

Over year to date for interest on investments as the budget was spread evenly over the year.

**Employee benefits**

Under budget due to an emphasis on Capital Works program delivery, with Works section employees employed on the MacroAlgal earthworks project.

**Capital grants and subsidies**

Revenue received in the period represents a milestone payment of the Building Our Regions grant for the MacroAlgal Earthworks project. Grant funds are received as works completed and claims submitted.

**Other capital income (expense)**

Expenses in the period represent partial disposal of the recently refurbished Home Hill STP Primary Digester dome and also the replacement of a sewage pump at SPS 30, Ayr.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Manager Operations - Water**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
Rates and Utility Charges	-3,199	3,423,634	3,427,200	-3,566	0%
User fees and charges	4,570	9,260	10,200	-940	-9%
Interest Received	52,728	105,588	83,600	21,988	26%
Operational contributions and donations	0	0	3,000	-3,000	-100%
Other operating revenue	14,127	37,514	0	37,514	-
<b>Total operating revenue</b>	<b>68,227</b>	<b>3,575,996</b>	<b>3,524,000</b>	<b>51,996</b>	<b>1%</b>
<b>Operating Expenses</b>					
Employee benefits	92,952	305,980	335,792	-29,812	-9%
Materials and services	142,208	508,286	768,400	-260,114	-34%
Depreciation and amortisation	97,324	295,758	299,300	-3,542	-1%
<b>Total operating costs</b>	<b>332,484</b>	<b>1,110,024</b>	<b>1,403,492</b>	<b>-293,469</b>	<b>-21%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-264,257</b>	<b>2,465,972</b>	<b>2,120,508</b>	<b>345,464</b>	<b>16%</b>
Capital grants and subsidies	0	0	14,400,000	-14,400,000	-100%
Other capital income (expense)	-11,980	-140,489	0	-140,489	-
<b>Net result for period</b>	<b>-276,237</b>	<b>2,325,483</b>	<b>16,520,508</b>	<b>-14,195,024</b>	<b>-86%</b>

**Comments**
**Interest received**

Over year to date for interest on investments as the budget was spread evenly over the year.

**Other operating revenue**

Revenue in the period is from recovery of insurance claim lodged under the Specialist Industrial Risk policy for repairs to Bore 1 in Mount Kelly. Year to date revenue was also from an insurance claim.

**Employee Benefits**

Under budget year to date partially due to unfilled vacancies including Manager Water Wastewater. Seasonal factors also impact on the number of call outs as water consumption reduces during cooler months. Over budget year to date in Water Reticulation due to a surge in unplanned mains breaks and property connections which is demand driven and variable.

**Materials and services**

Variance will reduce in the next period due to timing of payment of Lower Burdekin Water bulk water charges for the last financial year which is anticipated to be considerably lower than budget following higher than average rainfall.

**Capital grants and subsidies**

Capital grant funds for the South Ayr Filtration Plant to be received as works completed and claims submitted.

**Other capital income (expense)**

Activity in the period represents the write-off of redundant chlorination equipment following recent capital upgrades and the disposal of the submersible pump Bore 6, Home Hill.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Manager Planning and Development**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	41,097	197,821	152,501	45,320	30%
Other operating revenue	0	20	0	20	-
<b>Total operating revenue</b>	41,097	197,841	152,501	45,340	30%
<b>Operating Expenses</b>					
Employee benefits	94,741	276,017	297,577	-21,559	-7%
Materials and services	28,590	54,207	63,360	-9,153	-14%
<b>Total operating costs</b>	123,331	330,224	360,937	-30,713	-9%
<b>Surplus (deficit) from operating activities</b>	-82,235	-132,383	-208,436	76,053	-36%
<b>Net result for period</b>	-82,235	-132,383	-208,436	76,053	-36%

**Comments**

**User fees and charges**

Over budget as Building and Plumbing applications received have exceeded budget projections. Trade Waste fees and charges received were also above budget due to Annual Backflow Inspection fees received.

**Employee benefits**

Employee benefits under budget due to staff vacancies.

**Materials and services**

Under budget for Consultant Fees as minimal consultant works have been undertaken, this is offset by legal costs exceeding budget.

**OPERATING STATEMENT**  
**Period Ending 30 September 2023**

**Manager Technical Services**

	Month of September Actual	Year to Date Actual	Year To Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>					
User fees and charges	17,250	55,588	42,625	12,963	30%
Operational grants and subsidies	14,543	31,039	20,000	11,039	55%
Contract and recoverable works	141,274	259,013	185,000	74,013	40%
Other operating revenue	0	0	1,250	-1,250	-100%
<b>Total operating revenue</b>	<b>173,066</b>	<b>345,639</b>	<b>248,875</b>	<b>96,764</b>	<b>39%</b>
<b>Operating Expenses</b>					
Employee benefits	208,777	595,935	738,230	-142,295	-19%
Materials and services	-33,931	-33,296	-57,069	23,773	-42%
Depreciation and amortisation	720,411	2,201,151	2,223,600	-22,449	-1%
<b>Total operating costs</b>	<b>895,257</b>	<b>2,763,789</b>	<b>2,904,761</b>	<b>-140,971</b>	<b>-5%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-722,191</b>	<b>-2,418,150</b>	<b>-2,655,886</b>	<b>237,736</b>	<b>-9%</b>
Capital contributions	1,767	1,767	343,943	-342,176	-99%
Capital grants and subsidies	264,451	539,451	3,014,384	-2,474,933	-82%
Other capital income (expense)	-38,430	-60,368	0	-60,368	-
<b>Net result for period</b>	<b>-494,403</b>	<b>-1,937,301</b>	<b>702,441</b>	<b>-2,639,742</b>	<b>-376%</b>

**Comments**

**User fees and charges**

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

**Operational grants and subsidies**

Fuel Tax Credit higher than estimated due to higher fuel consumption mainly related to Macro-Algae and industrial estate projects.

**Contract and recoverable works**

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

**Employee benefits**

Employee benefits under budget due to current staff vacancies in Technical Services, Asset Management and Project Management and timing of labour intensive Road Maintenance Performance Contract works.

**Materials and services**

Expenses for RMPC works over budget due to scheduling of works and Plant Management expenses currently tracking below recovery.

**Capital contributions**

Funding to be transferred from contract liability when DTMR Houghton Floodplain project local road restoration as works are undertaken.

**Capital grants and subsidies**

Capital grants received as works completed and claims submitted. Grant funded projects programmed throughout the year.

**Other capital income (expense)**

Loss from transport asset disposals.

**BURDEKIN SHIRE COUNCIL**  
**OPERATING STATEMENT**  
Period Ending 30 September 2023

Appendix 2

	Month of September Actual	Year to Date Actual	Revised Budget	Year to Date Revised Budget	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
<b>Operating Revenue</b>						
Rates and Utility Charges	-3,493	42,554,457	44,664,813	42,564,813	-10,356	0%
Pensioner remissions	278,611	-354,740	-350,000	-350,000	-4,740	1%
User fees and charges	260,343	886,787	2,894,203	825,065	61,722	7%
Interest Received	476,324	908,678	3,068,900	770,675	138,003	18%
Operational contributions and donations	19,877	39,182	250,914	59,975	-20,793	-35%
Operational grants and subsidies	51,625	580,109	1,497,103	389,015	191,094	49%
Contract and recoverable works	144,960	265,176	2,163,400	202,100	63,076	31%
Other operating revenue	63,706	243,997	431,400	182,125	61,872	34%
<b>Total operating revenue</b>	<b>1,291,954</b>	<b>45,123,645</b>	<b>54,620,733</b>	<b>44,643,767</b>	<b>479,878</b>	<b>1%</b>
<b>Operating Expenses</b>						
Employee benefits	1,722,178	5,083,728	24,317,297	5,706,008	-622,281	-11%
Materials and services	1,518,035	5,335,077	19,598,439	5,987,059	-651,982	-11%
Depreciation and amortisation	1,298,164	3,966,866	16,084,660	4,021,165	-54,299	-1%
Finance Costs	17,223	31,680	80,000	27,000	4,680	17%
<b>Total operating costs</b>	<b>4,555,599</b>	<b>14,417,351</b>	<b>60,080,396</b>	<b>15,741,232</b>	<b>-1,323,881</b>	<b>-8%</b>
<b>Surplus (deficit) from operating activities</b>	<b>-3,263,645</b>	<b>30,706,294</b>	<b>-5,459,663</b>	<b>28,902,535</b>	<b>1,803,759</b>	<b>6%</b>
Capital contributions	1,767	1,767	353,943	353,943	-352,176	-100%
Capital grants and subsidies	910,506	1,396,822	22,042,177	22,042,177	-20,645,355	-94%
Other capital income (expense)	-62,656	-267,072	0	0	-267,072	-
<b>Net result for period</b>	<b>-2,414,029</b>	<b>31,837,811</b>	<b>16,936,457</b>	<b>51,298,655</b>	<b>-19,460,844</b>	<b>-38%</b>

**BURDEKIN SHIRE COUNCIL**  
**STATEMENT OF FINANCIAL POSITION**  
**As at 30 September 2023**

Appendix 3

	Year to Date Actual \$	Annual Budget \$
<b>Current Assets</b>		
Cash and Cash Equivalents	109,990,118	68,586,024
Receivables	2,525,211	1,576,693
Inventories	678,903	617,965
Contract Assets	1,164,737	0
Other Assets	475,158	1,761,467
<b>Total Current Assets</b>	<b>114,834,126</b>	<b>72,542,149</b>
<b>Non-Current Assets</b>		
Receivables	385,141	385,141
Property, Plant and Equipment	627,889,347	657,909,628
Intangibles Assets	288,522	238,515
Other Assets	38,190	64,309
<b>Total Non-Current Assets</b>	<b>628,601,201</b>	<b>658,597,593</b>
<b>TOTAL ASSETS</b>	<b>743,435,327</b>	<b>731,139,742</b>
<b>Current Liabilities</b>		
Payables	1,477,428	6,378,290
Provisions	5,709,220	5,709,220
Contract Liabilities	4,943,672	3,291,574
Other Liabilities	445,429	555,701
<b>Total Current Liabilities</b>	<b>12,575,750</b>	<b>15,934,785</b>
<b>Non-Current Liabilities</b>		
Provisions	18,651,916	18,451,916
Other Liabilities	1,689,244	1,135,979
<b>Total Non-Current Liabilities</b>	<b>20,341,160</b>	<b>19,587,895</b>
<b>TOTAL LIABILITIES</b>	<b>32,916,910</b>	<b>35,522,680</b>
<b>NET COMMUNITY ASSETS</b>	<b>710,518,417</b>	<b>695,617,062</b>
<b>Community Equity</b>		
Asset Revaluation Surplus	389,851,220	389,851,222
Retained Surplus (deficiency)	320,667,197	305,765,840
<b>TOTAL COMMUNITY EQUITY</b>	<b>710,518,417</b>	<b>695,617,062</b>

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

Appendix 4

	Year to Date Actual \$	Annual Cashflow Budget \$
<b>Cash Flows from Operating Activities</b>		
<b>Receipts</b>		
Receipts from Customers	38,780,572	48,836,808
Payments to Suppliers and Employees	-12,041,700	-43,995,736
	26,738,872	4,841,072
Interest Received	1,132,485	3,068,900
Operating Grants, Subsidies and Contributions	619,290	1,748,017
Other	1,492,008	431,400
<b>Net Cash Inflow (Outflow) from Operating Activities</b>	29,982,655	10,089,389
<b>Cash Flows from Investing Activities</b>		
Proceeds from Sale of Property, Plant and Equipment	0	912,000
Grants, subsidies and contributions	1,398,589	21,908,759
Payments for Property, Plant and Equipment	-4,897,678	-47,636,196
Payments for Intangible Assets	-5,520	0
Payments for rehabilitation work	0	-200,000
<b>Net Cash Inflows (Outflow) from Investing activities</b>	-3,504,610	-25,015,437
<b>Net Increase (Decrease) in Cash and Cash Equivalents Held</b>	26,478,046	-14,926,048
Cash and Cash Equivalents at Beginning of the Financial Year	83,512,072	83,512,072
<b>Cash and Cash Equivalents at end of the Period</b>	109,990,118	68,586,024



### 7.3.1. PLANNING AND DEVELOPMENT

#### Development Application for Reconfiguring a Lot - One (1) lot into Two (2) lots at 150 Rossato Road, Carstairs (Lot 1 on RP720287)

**File Reference:** 234

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

**Authoriser:** Wayne Saldumbide, Manager Operations

**Meeting Date:** 24 October 2023

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

Burdekin Shire Council Corporate Plan 2022-2027

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

Burdekin Shire Council Operational Plan 2022-2023

PD9 Ensure all new developments are assessed against provisions contained within Council's adopted Local Government Infrastructure Plan (LGIP), Planning Act 2016, Planning Scheme, legislative requirements and other relevant instruments.

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#### **Executive Summary**

Council is in receipt of an impact assessable lot Reconfiguration Development Application lodged by Brazier Motti on behalf of applicant, James Rossato, being a one lot (1) into two (2) lot subdivision of land described as Lot 1 on RP720287, and located at 150 Rossato Road, Carstairs.

As the development application is impact assessable, Officers have assessed it both against the relevant assessment benchmarks of the Planning Scheme and all other relevant legislation together with an assessment on the applications merits.

This assessment led to Officers considering that despite the conflicts identified in part against the applicable codes (Rural Zone Code, Reconfiguring a Lot Code, Development Works Code, and Overlay Codes), the proposal generally aligns with the outcomes sought by the Schemes overarching Strategic Framework in achieving diverse rural futures within the Shire.

Given this and with the application of reasonable and relevant conditions, the proposed two (2) lot subdivision is therefore recommended for approval.

#### **Recommendation**

That Council approve the proposed Reconfiguring a Lot Development Application (one (1) lot into two (2) lot subdivision), subject to reasonable and relevant conditions as set out in **Attachment A**.

#### **Background**

##### Proposal

The applicant is proposing to subdivide the existing Lot 1 which is 40.44ha in area to create two (2) lots - Proposed Lot 2 with an area of 40.066ha and Proposed Lot 1 with an area of 3,770m<sup>2</sup>.

The planning report submitted with the application states that the proposal is to rationalise '*tenure arrangements only*' of the existing agricultural use and the existing residential use on the subject site.

Post approval, proposed Lot 2, being the balance area will continue to be utilised as a cane farm, with proposed Lot 1 contain the existing dwelling and shed.

No change to the existing infrastructure (reticulated water, on-site sewage treatment) currently servicing the dwelling site is required as a result of the subdivision nor will any new accesses need to be created.

The proposal plan prepared by Brazier Motti is provided at **Attachment B**.

#### Subject Site and Surrounding Land Uses

The subject land is located within the Rural Zone of the *Burdekin Shire Council's Planning Scheme 2022*. Currently Lot 1 has a total area of 40.44ha and is improved by an existing dwelling house built before 1975, a shed and a sugar cane farm.

A locality plan is provided at **Attachment B**. The subject site is located within the Rural Zone and has frontage to both Maryplain and Rossato Roads.

The existing dwelling, proposed to be contained wholly within proposed Lot 1 is currently serviced by Council's reticulated water supply. Council's reticulated sewerage infrastructure is not available.

The surrounding area is predominately sugar cane farms, with some also including existing dwellings and associated machinery sheds.

#### Planning Assessment

##### *Burdekin Shire Planning Scheme December 2022*

Officers have completed the mandatory assessment of the development application against all relevant provisions of the whole of the *2022 Planning Scheme* and found the development is generally compliant with the outcomes sought in the Schemes Strategic Framework despite the conflicts in part with the code requirements, namely the inability of proposed Lot 1 to achieve the minimum lot size and road frontages for a new rural lot created.

The application triggered an impact level of assessment as the lot size and dimensions of proposed Lot 1 did not meet the Scheme requirements for a newly created Lot in the Rural Zone.

Public notification for fifteen (15) days was also required, with no submissions received during the public notification period.

Impact assessable developments are assessable against the whole of the planning scheme, any other relevant matters and their individual merit.

While a detailed assessment has been completed (refer **Attachment C**) with a summary provided in the below table:

2022 Planning Scheme Provision	Proposal/Officer Comment
Strategic Framework 2.4 Economic Growth 2.4.1 Diverse Rural Futures	Proposal considered to comply with Part 3 (a) of 2.4 as post subdivision the proposed farmed lot is larger than the 30.0ha minimum and the single lot being created contains the existing dwelling house (built before 1975) being present before the commencement of the 2022 Scheme.
Rural Zone Code	The proposal is considered to generally achieve the outcomes sought by the Rural Zone Code.
Development Works Code	As the proposal proposes no change to the existing servicing and access arrangements post subdivision, the proposal is generally consistent with the relevant requirements of the Development Works Code.
Reconfiguring a Lot Code	Proposed Lot 1 does not comply with the minimum lot size (being 30.0ha for each lot created) required in the Rural zone. Despite this non-compliance in part for proposed Lot 1, as the application is impact assessable, officers have assessed the merits of the proposal overall in addition to planning scheme and other legislative requirements and consider that the proposal generally aligns with the outcomes sought by the Scheme in achieving diverse rural futures for the Shire and can be recommended for approval despite this non-compliance.
Overlay Codes <ul style="list-style-type: none"> <li>• Environmentally Significance Overlay Code</li> <li>• Flood Hazard Overlay Code</li> </ul>	The site is mapped as: <ul style="list-style-type: none"> <li>a. containing regulated vegetation intersecting a watercourse (being a drain that runs parallel to the southern boundary);</li> <li>b. being subject to extreme flood hazard inundation in a river flood event; and</li> <li>c. being between AHD4.5 - AHD6.5m and therefore possibly containing actual or potential acid sulfate soils.</li> </ul> <p>As the proposal is a subdivision only with an existing dwelling house and no change to the current layout is proposed these matters are not affected by the subsequent subdivision if approved.</p>

Based on the assessment of the development application, Council officers consider that the proposed development can be recommended for approval with reasonable and relevant conditions to be applied to any approval given.

### Further Information Request

An information request was issued to the applicant on the 17 August 2023 requesting an amended proposal plan identifying all on-site potable water supply, sewage treatment and disposal areas with setbacks to existing structures and boundaries of proposed Lot 1, be submitted.

The applicant responded to this request on the 30 August 2023, providing an amended proposal plan identifying all of the requested details.

This response was considered adequate to continue assessment.

### Public Notification

The applicant undertook Public Notification between 5 September 2023 – 25 September 2023, being a minimum period of at least 15 business days, in accordance with the relevant requirements of the *Planning Act 2016*. No submissions were received during the notification period.

### Referral Agency Response

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

### Detailed Summary

Refer to **Attachment C** for the detailed assessment against the relevant provisions of the planning scheme.

### Infrastructure Charges

Reconfiguring a Lot for subdivision is a development type which triggers infrastructure charges to be applied as per Council's Charges Resolution. For a rural subdivision, only the transport contribution is applicable. A discount for the existing Lot has been applied to the site in accordance with Council's Charges Resolution.

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
Rural - Reconfiguring a Lot – 2 lots created	\$0.00	\$0.00	\$5,000.00	\$0.00 (not applicable)	\$0.00	<b>\$5,000.00</b>
Less discount applied	\$0.00	\$0.00	\$2,500.00	\$0.00 (not applicable)	\$0.00	<b>\$2,500.00</b>
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,500.00</b>

### **Consultation**

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

The application was workshopped with the Mayor and Councillors on 5 September 2023.

### **Budget & Resource Implications**

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

**Legal Authority & Implications**

A potential risk is present in that any decision made by the Assessment Manager may attract an appeal in the Planning and Environment Court.

**Policy Implications**

Not applicable in concerning the acceptance of this report.

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

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

**Attachments**

1. Attachment A - Officers Recommended Conditions of Approval - Rossato
2. Attachment B - Locality and Proposal Plan - Rossato
3. Attachment C - Detailed Assessment - Rossato

## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
<b>1 General and Administration</b> <u>Compliance with Conditions</u> 1.1 The Applicant (and any contractor, agent, employee or invitee of the applicant) is responsible for carrying out the approved development and ensuring compliance with this development approval, the conditions of the approval and the relevant requirements in accordance with: 1.1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the relevant technical reports. 1.1.2 The development must comply in full with all conditions of this approval, and is to be designed, constructed and maintained in accordance with relevant Planning Scheme requirements, Council policies, guidelines and standards (except as otherwise specified by any condition) to Council's satisfaction, and best practice engineering. 1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) of the development approval will prevail. 1.3 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation. <u>Works – Applicant's Responsibility/Expense</u> 1.4 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met by the applicant, at no cost to the Council. 1.5 The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately. <u>Infrastructure Conditions</u> 1.6 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.		At all times.
<b>2. Approved Plans and Documents</b> <u>Approved Plans &amp; Documents</u> 2.1 The proposed development must be completed, comply with and maintained generally in accordance with the drawings/ documents identified in the above, except as otherwise specified and/or amended by any condition of this approval.	The development must comply with all planning scheme requirements as approved and conditioned by this development permit.	At all times.

## Attachment A – Recommended Conditions of Approval

Condition		Reason	Timing
2.2	The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.		
2.3	Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
Approved Plans			
Drawing Title		Drawing/Revision	Date
Proposed Reconfiguration – Brazier Motti		Plan No: 56994/001 B	28 August 2023
3.	Payment of Rates, Charges and Expenses	Confirmation to be provided to Council prior to the release of the Plan of Survey.	
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.		
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	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.
The existing services for each lot must be contained within the individual allotments.			
5.	Relocation/alteration of Public Utilities	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.
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.			

## Attachment A – Recommended Conditions of Approval

Condition	Reason	Timing
<b>6. Roadworks</b> 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.	To provide appropriate access in accordance with relevant code/s and policy direction.	Prior to the issuing of a Development Permit for Building or Operational Works.
<b>7. Drainage/Stormwater</b> The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.	To convey stormwater across other lands legally and in an environmentally responsible manner in accordance with relevant code/s and policy direction.	At all times.

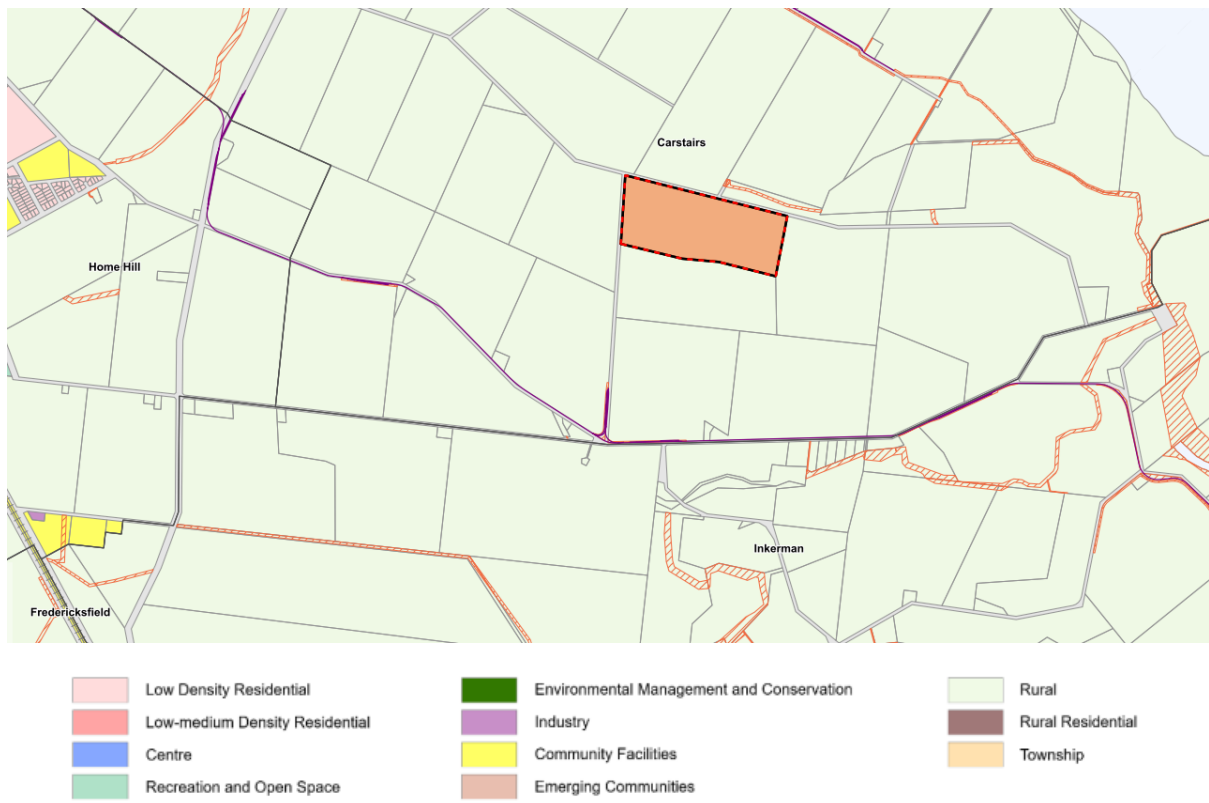


## Attachment A – Recommended Conditions of Approval

### Advice

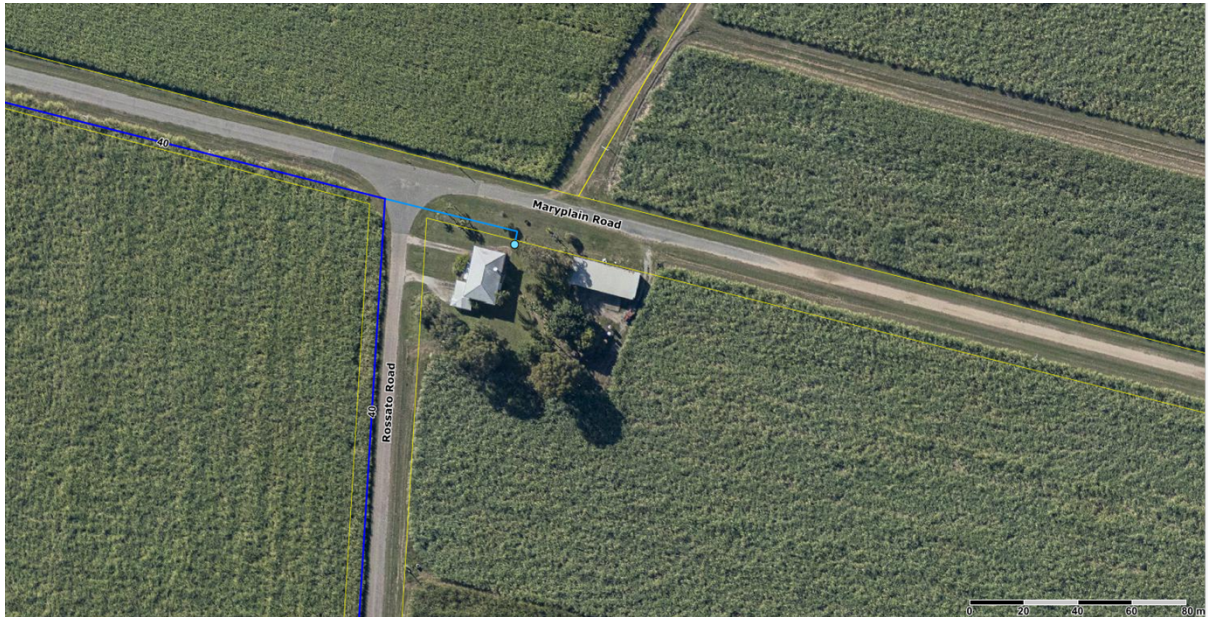
<p><b>1. Infrastructure Charges</b></p> <p>An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.</p>
<p><b>2. Compliance with Conditions</b></p> <p>Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.</p>
<p><b>3. Limitation of Approval</b></p> <p><b>3.1</b> 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.</p> <p><b>3.2</b> The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnify and save the council harmless in respect of any claim so arising.</p>
<p><b>4. Acid Sulfate Soils</b></p> <p>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.</p>
<p><b>5. Amenity Impacts</b></p> <p>Use of the site is to be operated in a way that protects the values of the existing environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting, in accordance with the <i>Environmental Protection Act 1994</i>.</p>
<p><b>6. Earthworks</b></p> <p>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.</p>
<p><b>7. Reticulated Water Infrastructure</b></p> <p>Proposed Lot 2 is unable to be connected to Council's reticulated water supply.</p>
<p><b>8. Miscellaneous</b></p> <p>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: <a href="http://www.datsip.qld.gov.au">www.datsip.qld.gov.au</a>.</p>

## Attachment B – Zone, Locality and Proposal Plan

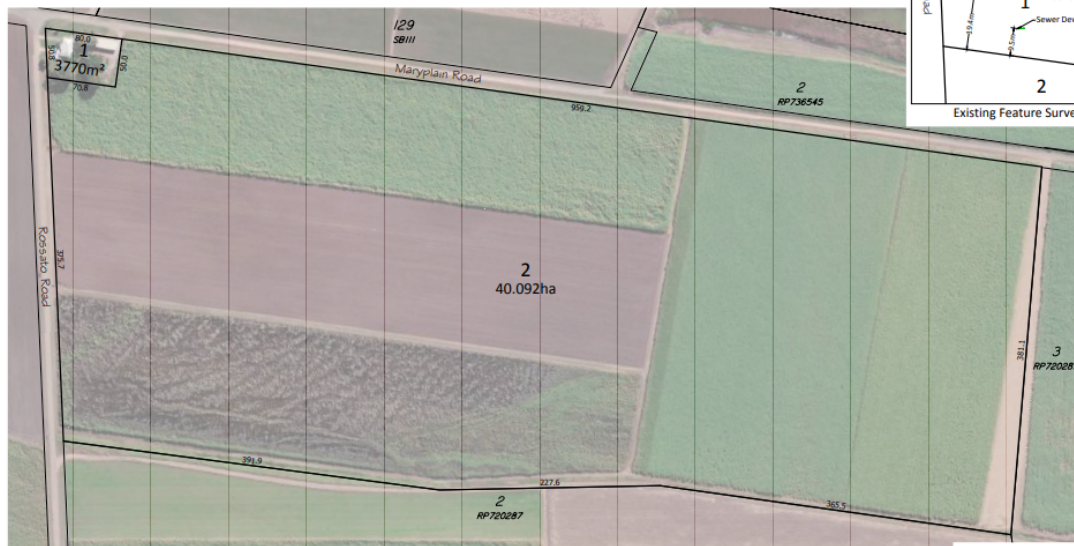
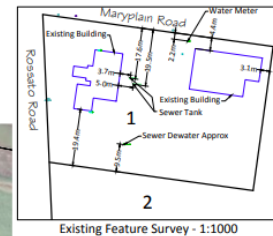




## Attachment B – Zone, Locality and Proposal Plan



**PROPOSED  
RECONFIGURATION**  
Lots 1 and 2  
Cancelling Lot 1 on RP720287



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This plan is conceptual and for discussion purposes only. All areas,  
dimensions and land uses are preliminary, subject to investigation,  
survey, engineering, and Local Authority and Agency approvals.

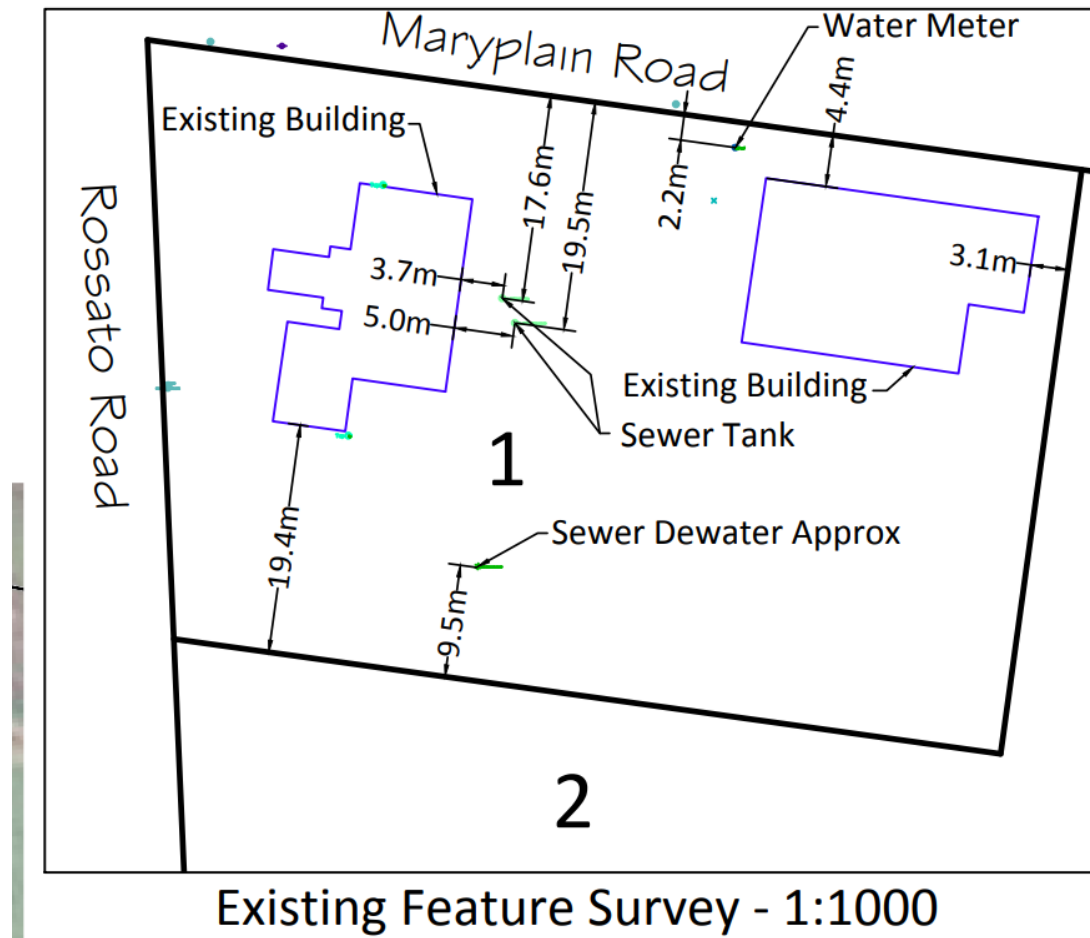
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Date: 28th August, 2023  
Scale: 1:3000  
Drawn: MJM  
Job No: 56994/001-01  
Plan No: 56994/001 B

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SURVEYING  
TOWNPLANNING  
PREDICTION/ANALYSIS  
MAPPING/DESIGN

**75**  
YEARS



## Attachment C – Detailed Assessment

### Assessment Summary

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

### Detailed Assessment

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

The assessment timeframes applicable to this application are as follows:

ASSESSMENT TIMEFRAMES			
Application Process		Timeframe	Date
1.0	Application lodged with Council		10 July 2023
1.1	Application deemed properly made		20 July 2023
1.2	Action Notice issued	5 days (from 1.0)	Not applicable
1.3	Properly made		21 July 2023
1.4	Confirmation Notice issued	10 days (from 1.0)	3 August 2023
2.0	Application referred (properly referred)	10 days (from 1.2)	Not applicable
2.1	Referral agency response	25 days (from 2.0)	Not applicable
3.0	Council Information Request	10 days (from 1.2)	17 August 2023
3.1	Response to Information Request	3 months (from 3.2)	30 August 2023
4.0	Public Notification commences	20 days (from 3.3)	5 September 2023
4.1	Public Notification completed	Min. 15 business days	25 September 2023
4.2	Consider submissions	10 days (from 4.1)	Not applicable
5.0	Further Advice Request		Not applicable
5.1	Response to Further Advice Request		Not applicable
6.0	Decision making period starts	1 day (after last applicable)	27 September 2023
6.1	Decision making period extended		Not Applicable
	Council Meeting		24 October 2023

**ASSESSMENT TIMEFRAMES**

<b>Application Process</b>		<b>Timeframe</b>	<b>Date</b>
6.2	Decision making period ends	35 days (minus up to 10 days from 3.0)	1 November 2023
6.3	Extension to Decision making period	9 days (from 6.2)	Not Applicable
6.4	Issue Decision Notice	5 days (after decision is made)	27 October 2023

**Level of Assessment**

The development proposal is assessable under the *Burdekin Shire Council Planning Scheme December 2022* (the planning scheme) in accordance with Section 43 (1) of the *Planning Act 2016*. The Assessment Manager is the Burdekin Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*. In accordance with the planning scheme, the Reconfiguring a Lot application was subject to impact assessment.

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

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

<b>Development</b>	<b>Zone</b>	<b>Overlays</b>	<b>Assessment Benchmarks</b>
Reconfiguring a lot (one (1) lot into two (2) lots)	Rural	<ul style="list-style-type: none"> <li>Flood Overlay Code</li> <li>Environmental significance overlay</li> </ul>	<p>The following assessment benchmarks are applicable in the assessment of the development application:</p> <ul style="list-style-type: none"> <li>The whole of the planning scheme.</li> </ul>

ASSESSMENT
APPLICABLE ASSESSMENT BENCHMARKS
<p><b>Part 2 Strategic framework</b></p> <p><b>2.1 Preliminary</b></p> <p>(1) The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme.</p> <p>(2) Mapping for the strategic framework is included in part 2 and schedule 4.</p> <p>(3) For the purpose of describing the policy direction for the planning scheme, the strategic framework is structured in the following way:</p> <ul style="list-style-type: none"> <li>(a) the strategic intent</li> <li>(b) the following four themes that collectively represent the policy intent of the scheme: <ul style="list-style-type: none"> <li>(i) Liveable communities and infrastructure</li> <li>(ii) Economic growth</li> <li>(iii) Safe and resilient communities</li> <li>(iv) Natural resources, the environment and heritage</li> </ul> </li> <li>(c) the strategic outcomes proposed for development in the planning scheme area for each theme.</li> </ul> <p>(4) The strategic framework in its entirety represents the policy intent for the planning scheme.</p> <p><b><u>Officers Comment</u></b></p> <p>The proposed development is considered to align with the intent of the scheme, in particular its Economic Growth theme in achieving diverse rural futures within the Shire, where rural land is protected from fragmentation as it is a subdivision that provides a consolidated farmed lot greater than 30.0ha in area and the smaller lot solely contains the existing dwelling built in 1975 and its associated infrastructure.</p>



ASSESSMENT
APPLICABLE ASSESSMENT BENCHMARKS

**6.2.2 Reconfiguring a lot zone code****6.2.2.1 Application**

- (1) This code applies to development identified as requiring assessment against the Reconfiguring a lot code by the tables of assessment in part 3.
- (2) When using this code, reference should be made to section 3.3.2 and, where applicable, section 3.3.3, in part 3.

**6.2.2.2 Purpose and overall outcomes**

- (1) The purpose of the reconfiguring a lot code is to facilitate the development of attractive, accessible, safe and functional neighbourhoods, centres and industrial areas, and to protect Burdekin's natural resources and environmental and landscape values.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) reconfiguration creates safe, convenient and attractive neighbourhoods, industrial areas and centres that are consistent with the intended outcomes for the zone in which the land is located;
  - (b) reconfiguration occurs in a way that makes efficient use of land and facilitates cost effective provision of infrastructure;
  - (c) functional street networks are created which provide high levels of accessibility and safety, particularly for pedestrians and cyclists;
  - (d) lots are of a size to support the uses intended and create the character and density intended for the zone in which the land is located;
  - (e) the creation of new lots for residential purposes occurs only within urban or rural residential zoned land;
  - (f) reconfiguration ensures public open space and movement networks can be provided that are interconnected with the surrounding area, convenient, safe and able to meet community needs;
  - (g) reconfiguration in the rural zone occurs only in the circumstances intended in the zone code;
  - (h) new lots are provided with services that meet the need of users and minimise risks to the environmental or public health and safety;
  - (i) reconfiguration enables the protection of waterways, wetlands, ecological corridors for the movement of fauna and other significant environmental values.



**Officers Comment**

Notwithstanding the non-compliance of proposed Lot 1 with the requirements of the Reconfiguring a Lot Code for a Rural lot (being a minimum 200.0m road frontage and minimum area of 30ha specified), the proposed development is considered to generally comply overall with the relevant outcomes sought by the Reconfiguring a Lot Code, as the subdivision proposes a logical outcome where:

- Productive rural land and land holdings are restructured to provide a suitable outcome that assists with ensuring the viability of agriculture on the subject site is protected and consolidated; and
- The smaller lot proposed contains the existing dwelling that existed before the commencement of the *2022 Planning Scheme*, being an existing use that has already removed that portion of the site from rural production.

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

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
<b><i>Neighbourhood design</i></b>		
<b>PO1</b> The layout for a new neighbourhoods and subdivisions creates a strong and positive identity, and is responsive to site characteristics, setting, landmarks and views.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>PO2</b> Open space and movement networks are integrated internally within the development site and with surrounding areas, including: <ul style="list-style-type: none"> <li>(a) a clear hierarchy of roads linking safely and directly with external roads;</li> <li>(b) an open space network linking with other existing or potential open space;</li> </ul>	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
(c) an urban drainage system integrated with the open space and pathway network and major streams; and (d) a pedestrian and bicycle path system integrated with the open space and road networks.		
<b>P03</b> Vehicle, cyclist and pedestrian networks reduce need for local vehicle trips and ensures walking and cycling are prioritised.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>P04</b> The subdivision layout incorporates separation of sensitive land uses from potentially incompatible land uses or infrastructure within or external to the site.	No acceptable outcome is nominated.	The boundary setbacks from the existing dwelling and its existing infrastructure proposed for Proposed Lot 1 is considered acceptable given proposed Lot 2 is above 30ha in area and will continue current farming operations.
<b>P05</b> The reconfiguration is designed to maximise personal safety and minimise potential for antisocial behaviour and crime, including by establishing clear sight lines and creating opportunities for casual surveillance of streets, paths, parks and public spaces.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>P06</b>	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
Street and lot orientation facilitates energy-efficient building and site design by: (a) maximising lot orientation to the north and minimising orientation to the west; and (b) maximising access to prevailing breezes.		
<b>PO7</b> The subdivision layout retains significant habitat areas and ecological corridors.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>PO8</b> The subdivision layout ensures development is setback from and protects the habitat values and ecological function values of waterways.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>Landslip hazard</b>		
<b>PO9</b> Reconfiguration does not occur on land vulnerable to landslip and erosion, unless it is in the form of a boundary alignment which improves the safety of people and property.	<b>AO9</b> Development is not located on slopes greater than 15%	Not applicable, The subject is mainly flat and not subject to landslip hazard.
<b>PO10</b> Reconfiguration results in lots that are: (a) of a size and dimension which complement the intended character of the zone in which the land is located;	<b>AO10</b> Minimum frontage and lot size occurs in accordance with table 6.2.2.3(b), unless stated otherwise in a zone code.	Does not strictly comply.  While Proposed Lot 2 is above the 30ha minimum and will continue farming, Proposed Lot 1 containing the existing house that existed before the commencement of this 2022 planning scheme is only 0.377ha in area, with a 50.0m road frontage.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
<p>(b) are capable of accommodating uses intended in the zone in which the land is located; and</p> <p>(c) are sized and located to enable development to be primarily oriented to the street and accommodate all ancillary components of the use.</p>		<p>However the proposal is considered to provide an acceptable outcome for the rural zone in this locality given it aligns with the outcomes sought by the strategic intent of the Shire.</p>
<p><b>PO11</b> Reconfiguration does not reduce the future development potential of land within the emerging community zone.</p>	No acceptable outcome is nominated.	Not Applicable
<p><b>PO12</b> New lots are not created in the rural zone, other than where consolidating the balance of the farmed lot, which is a minimum of 30ha and the single lot created contains a dwelling house that existed at the commencement of this planning scheme.</p>	No acceptable outcome is nominated.	<p>Complies.</p> <p>Proposed Lot 2 is above the 30ha minimum and post subdivision will be a consolidated balance area that will continue the farming activities.</p> <p>Proposed Lot 1 contains the existing house that existed before the commencement of this 2022 planning scheme.</p>
<p><b>PO13</b> Realignment of boundaries in the rural zone occurs only where this demonstrates a substantial improvement in the management of</p>	No acceptable outcome is nominated.	Not Applicable

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
the land or the protection of its environmental values, without increasing the number of lots.		
<b>PO14</b> New lots are not created in the environmental management and conservation zone.	No acceptable outcome is nominated.	Not Applicable.
<b>Services</b>		
<b>PO15</b> All lots are provided with legal access to a constructed road. Note—A constructed road in an urban zone means a sealed road with kerbing and channelling. Elsewhere, this means a formed and trafficable road.	No acceptable outcome is nominated.	Both proposed lots have existing accesses to both Rossato and Maryplain Road, with no changes proposed to that existing as a result of this approval.
<b>PO16</b> Services, including water supply, stormwater management, sewage disposal, waste disposal, drainage, electricity and telecommunications, are provided in a manner that: <ul style="list-style-type: none"> <li>(a) is efficient;</li> <li>(b) is adaptable to allow for future extensions and upgrades;</li> <li>(c) minimises the risk of adverse environmental or amenity related impacts; and</li> <li>(d) minimises whole-of-lifecycle costs for that infrastructure.</li> </ul>	No acceptable outcome is nominated.	Existing dwelling already serviced with no new services required to the farmed lot as part of this application.
<b>PO17</b>	<b>AO17.1</b>	Not Applicable as the site is zoned Rural.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
Lots are provided with an electricity supply which minimises visual impacts on the locality.	Except for land in the Rural zone, electricity is connected to all new lots. <b>AO17.2</b> Underground electricity service is provided to all new lots in an urban zone.	
<b>Road design</b>		
<b>PO18</b> The design features of each type of street are appropriate to the primary function of the street in the network.	<b>AO18</b> The design of each new street or road complies with the approach taken in “Austroads Guide to Traffic Engineering Practice Manuals”.	Rural Subdivision, no compliance required.
<b>PO19</b> Provision for safe on-street parking in appropriate locations.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>PO20</b> Intersections along streets are spaced to create safe and convenient pedestrian and vehicle movements and designed to provide safe sight lines and geometry for all road users.	<b>AO20</b> The street or road network complies with the approach taken in the “Austroads Guide to Traffic Engineering Practice Manuals”.	Rural Subdivision, no compliance required.
<b>PO21</b> Road reserves are designed to accommodate co-location of infrastructure services.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>PO22</b> All new roads are constructed to standards appropriate to their intended use.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>PO23</b>	<b>AO23.1</b>	Rural Subdivision, no compliance required.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
All streets in an urban and rural residential zone are provided with street lighting.	Street lighting is provided in all new urban streets. <b>AO23.2</b> In all new development where an underground electricity service is provided, underground mains service street lighting.	
<b>Environmental management</b> Editor's note—A property management plan or environmental management plan, illustrating how environmental impacts will be minimised, may be required to support the proposed development.		
<b>PO24</b> Development does not alter the hydrological regime external to the site.	No acceptable outcome is nominated	Considered to comply.  Subdivision only with no changes to existing regimes proposed.
<b>PO25</b> Development maintains the environmental values and water quality of Burdekin Shire's groundwater, waterways and surface water storages.	No acceptable outcome is nominated	
<b>PO26</b> Development minimises erosion and sediment run-off by: <ul style="list-style-type: none"> <li>(a) minimising clearing and earthworks;</li> <li>(b) not increasing the rate or volume of run-off;</li> <li>(c) utilising natural flow paths;</li> <li>(d) minimising impervious surfaces;</li> </ul>	No acceptable outcome is nominated	

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
(e) incorporating erosion and sediment control devices to detain and treat run off to remove sediments and gross pollutants.		
<b>PO27</b> Stormwater drainage is provided that has sufficient capacity to safely remove stormwater run-off, in a way that: (a) minimises risk to public safety and property; (b) provides a lawful point of discharge from each lot; (c) minimises ponding; (d) allows for risk associated with potential failures within the system; and (e) allows for practical access for maintenance requirements.	No acceptable outcome is nominated	No assessment required as it is a Rural Subdivision with no change to existing stormwater drainage proposed.



Table 6.2.2.3(b)–Acceptable outcome – lot size and frontage

Zone	Frontage (m)	Area
Low density residential zone	15	500m <sup>2</sup>
Low-medium density residential zone		
Township zone	15	800m <sup>2</sup> Or 2,000m <sup>2</sup> where not connected to sewerage
Rural residential zone - Horseshoe Lagoon	60	2ha
- Mount Kelly	40	4,000m <sup>2</sup>
- Elsewhere	40	2,000m <sup>2</sup>
Centre zone	10	400m <sup>2</sup>
Industry zone	20	1,000m <sup>2</sup>
Community facilities zone	20	1,000m <sup>2</sup>
Recreation and open space zone		
Emerging community zone	200	5ha
Rural zone		
(a) In the Groper Creek, Jarvisfield, Jerona and Wunjunga village precincts	No new lots created	
(b) In the priority agricultural area or agricultural land class A and B on overlay map OM2.	200	30ha
(c) Elsewhere	200	100ha

### APPLICABLE ASSESMENT BENCHMARK

#### 4.2.9 Rural Zone Code

##### 4.2.9.1 Application

- (1) This code applies to development where the code is identified as applicable in the categories of assessment and development in part 3.
- (2) When using this code, reference should be made to section 3.3.2 and, where applicable, section 3.3.3 in part 3.

##### 4.2.9.2 Purpose and overall outcomes

- (1) The purpose of the rural zone is to—
- (a) provide for rural uses and activities; and
  - (b) provide for other uses and activities that are compatible with— (i) existing and future rural uses and activities; and (ii) the character and environmental features of the zone; and
  - (c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes. Editor's note—This purpose statement is required to be used for the zone under the regulated requirements set out in the Planning Regulation 2017. Editor's note—The rural zone includes the village precinct.
- (2) The purpose of the zone will be achieved through the following overall outcomes:
- (a) rural land will be used sustainably to ensure the viability of the primary production base;
  - (b) other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, residential and accommodation uses in the rural zone include: (i) dwelling houses generally limited to a single dwelling house on a lot; (ii) caretaker's accommodation, small scale rural workers' accommodation and non-resident workforce accommodation where they directly support primary production activities in the locality; and (iii) small scale tourist accommodation in the form of bed and breakfasts, farm stay, cabins and camping;
  - (c) in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, development is limited to a dwelling house on an existing lot; Editor's note—Additional requirements may exist for the establishment of dwelling houses in some villages that are affected by natural hazards (refer to part 5 Overlays).
  - (d) land in the rural zone is not used or subdivided for urban residential or rural residential purposes;
  - (e) other than as provided for under (f), reconfiguration does not result in the creation of: (i) any new lots in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts; or (ii) lots less than 30ha in priority agricultural areas or agricultural land classification class A and B areas shown on overlay map OM2; or (iii) lots less than 100ha elsewhere;

### APPLICABLE ASSESMENT BENCHMARK

#### 4.2.9 Rural Zone Code

(f) reconfiguration to create a smaller lot than the minimum set out in (e)(ii) and (iii) may occur where: (i) consolidating the balance of the farmed lot, which is a minimum of 30ha and the single lot created contains a dwelling house that existed at the commencement of this planning scheme; or (ii) rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land or the protection of its environmental values, without increasing the number of lots; Burdekin Shire Council Planning Scheme Part 4–87 Editor's note—Applicants would need to demonstrate the nature of the improvement, such as amalgamating lots to create a large balance area for an environmental reserve or that is managed in accordance with an appropriate land management plan.

(g) agricultural land classification class A and B and priority agricultural areas shown on overlay map OM2 are protected from encroachment of uses that may impact on the opportunity to enable increased agricultural production;

(h) other than for public infrastructure, non-agricultural development within priority agricultural areas does not result in a net loss in agricultural production; Editor's note—A net loss is one that results in widespread or irreversible impacts to existing or future agricultural activities, such as a significant reduction in the supply of raw product or altering resources necessary to maintain the function of the land.

(i) intensive animal industries and aquaculture occur in the rural zone (other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts) where they are sufficiently separated from existing sensitive land uses to ensure significant impacts are avoided;

(j) industries which may establish in the rural zone (other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts) include only: (i) rural industries; (ii) industries processing agricultural products which require a rural location: A. for proximity to the produce being processed; or B. to ensure a clean environment separate from general industrial activities; or C. to secure a lot size larger than lots available within industrial zoned land; (iii) industries associated with the use or processing of commodities grown in the region, such as sugar cane and grain, or their biproducts; (iv) extractive industries and other industries that require separation from urban or rural residential areas; and (v) renewable energy facilities;

(k) other than within the KRA shown on overlay map OM6, any expansion of an existing extractive industry is limited to development that will not increase impacts to the priority agricultural area or nearby sensitive land uses, the visual amenity of the locality or matters of environmental significance;

(l) development for small scale tourism and recreational activities, such as nature-based tourism, outdoor sport and recreation, environment facilities or similar cultural attractions occur where they have a limited building footprint and do not involve significant modification of the natural landform;

(m) home based businesses occur at a scale consistent with the amenity and character of the surrounding area;

(n) development does not prejudice or detract from existing and intended rural activities in the surrounding area, or on the functionality of the stock route network shown on overlay map OM2;

### APPLICABLE ASSESMENT BENCHMARK

#### 4.2.9 Rural Zone Code

Editor's note—The stock route network within Burdekin Shire Council exists as pasturage rights through pasturage leases. Stock routes exist as pasturage rights 800m either side of an unsurveyed road (section 432 of the Land Act 1994).

(o) development does not significantly impact on: (i) water and soil quality; (ii) the amenity of nearby sensitive land uses; (iii) the landscape and natural values of the locality; and (iv) the capacity of the road network on which it relies;

(p) development minimises impacts on the natural environment and maintains habitat areas and corridors;

(q) development is sited, designed and managed to avoid or reduce any risk of landslide to an acceptable or tolerable level;

(r) sensitive land uses and other forms of inappropriate development do not occur in proximity to former mining activities and related hazards (e.g. abandoned mines, tunnels and shafts), which may cause risk to people and property. Editor's note—The location of mining claims, mineral development licences and mining leases is available online via GeoResGlobe.

#### Officers Comment

The proposed development is considered to align with the relevant outcomes sought by the Rural Zone Code given that there is no change proposed to the existing uses occurring on site currently (existing farming activity and existing dwelling use). Therefore the production capacity of the existing farmed land is not anticipated to be reduced as a result of the proposal if approved.

#### 4.2.9.3 Specific Benchmarks for assessment

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
<b>Site layout</b>		
<b>PO1</b> Any non-residential buildings, structures and open use areas are setback from site boundaries to ensure that the amenity of	<b>AO1</b> Non-residential buildings, structures and open use areas are setback not less than: (a) 20m from any road frontage of the site; (b) 10m from all other site boundaries; and	All structure and setbacks re existing. Considered to comply.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
adjoining land and the rural character of the locality are maintained.	(c) 100m from any existing dwelling on an adjacent property.	
<b>Lighting</b>		
<b>PO2</b> Lighting does not cause undue disturbance.	<b>AO2</b> The vertical illumination resulting from direct, reflected or incidental light coming from a site does not exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up.	Rural Subdivision, no compliance required.
<b>Infrastructure</b>		
<b>PO3</b> Premises have a level of infrastructure that allows for the efficient functioning of the use while not impacting on nearby land uses or the environment.	<b>AO3.1</b> Premises are connected to a reliable supply of potable water. <b>AO3.2</b> Premises are provided with an on-site sewerage treatment and disposal system. <b>PO3.3</b> Premises have a legal access to a constructed road.	All services are existing, there are no changes proposed. Considered to comply.
<b>Separation</b>		
<b>PO4</b> Sensitive land uses are sufficiently separated from approved or existing lawful activities likely to generate impacts to protect the safety and amenity of residents and to ensure the ongoing operation of those activities is not prejudiced.	<b>AO4</b> Minimum separation distances to animal keeping (being kennels or catteries), intensive animal industries and extractive industries are in accordance with table 4.2.9.3(c).	Rural Subdivision, no compliance required.
<b>Home based business – bed and breakfast and other</b>		

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
<b>PO5-PO11</b>		Not Applicable
<b>Roadside stalls</b>		
<b>PO12</b> Roadside stalls are small in scale and do not impact negatively upon the amenity, character or safety of the locality and the safety and efficiency of roads. Editor's note—A roadside stall on a state controlled road requires approval from the Department of Transport and Main Roads.	<b>AO12.1</b> Any structure used for the sale of goods or produce is limited to 20m <sup>2</sup> gross floor area. <b>AO12.2</b> Access to the structure is via the existing primary property access point. <b>AO12.3</b> Produce or goods sold is grown, made or produced on the land on which the roadside stall is erected.	Rural Subdivision, no compliance required.
<b>Stock route network</b>		
<b>PO13</b> Development does not interfere with the use of stock routes or diminish their landscape, recreational or heritage values. Editor's note—Stock routes are shown on overlay map OM2.	<b>AO13</b> Development is not located within the stock route network.	Rural Subdivision, no compliance required.
<b>Hazardous activities</b>		
<b>PO14</b> Where development is in proximity to an abandoned mine, geotechnical investigations and adequate protections are applied.	<b>AO14</b> Abandoned mines are avoided.	Rural Subdivision, no compliance required.

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
Editor's note–The location of mining claims, mineral development licences and mining leases is available online via GeoResGlobe.		
Landslip hazard		
<b>PO15</b> Development does not occur on land that is vulnerable to landslip and erosion and ensures the safety of people and property.	<b>AO15</b> Where involving building work, development is not located on slopes greater than 15%.	The subject site is mainly flat, being an irrigated sugar cane farm that also contains an existing dwelling and associated shed.

Table 4.2.9.3(b)–Benchmarks for assessable development only

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
Protecting rural production		
<b>PO16</b> Other than for public infrastructure, non-agricultural development within priority agricultural areas does not result in a net loss to agricultural production. Editor's note–A net loss is one that results in widespread or irreversible impacts to existing or future agricultural activities, such as a significant reduction in the supply of raw product or altering resources necessary to maintain the function of the land.	No acceptable outcome is nominated	As the proposal is a rural subdivision located within a priority agricultural area that does not affect the current farming activity, no net loss to agricultural production is anticipated as a result of this proposal.
<b>PO17</b>	No acceptable outcome is nominated	Farming and residential uses are existing. The site is already utilised to this effect. Considered to comply.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
Development occurs on the least productive part of the site.		
<b>PO18</b> Development does not prejudice the ongoing operation, intensification or expansion of nearby farming activities.	No acceptable outcome is nominated	Rural Subdivision, farming and residential uses are existing. Considered to comply.
<b>PO19</b> Development is buffered so nuisance from normal farming practices such as spray drift, odour, noise and the like are avoided.	No acceptable outcome is nominated	Rural Subdivision, farming and residential uses are existing. Considered to comply.
<b>PO20</b> Development does not interfere with the use of cane tram lines. Editor's note—Cane tram lines are shown on the road hierarchy map in Figure 6.2.1.3.	No acceptable outcome is nominated	Considered to comply.
<b>PO21</b> Development does not interfere with the use of stock routes or diminish their landscape, recreational or heritage values. Editor's note—Stock routes are shown on overlay map OM2.	No acceptable outcome is nominated	Considered to comply.
<b>Reconfiguration</b>		
<b>PO22</b> Reconfiguration does not result in the creation of any new lots in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts.	No acceptable outcome is nominated	Rural Subdivision, no compliance required.



Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
<b>PO23</b> Except as provided for in PO24, reconfiguration does not result in the creation of: (a) lots less than 30ha in the priority agricultural area or agricultural land classification class A and B areas shown on overlay map OM2; or (b) lots less than 100ha elsewhere. Editor's note—to remove any doubt, this performance outcome does not apply to land in a village precinct.	No acceptable outcome is nominated	See PO24.  While Proposed Lot 2 is above the 30ha minimum and will continue farming, Proposed Lot 1 containing the existing house that existed before the commencement of this 2022 planning scheme is only 0.377ha in area, with a 50.0m road frontage.  However the proposal is considered to provide an acceptable outcome for the rural zone in this locality given it aligns with the outcomes sought by the strategic intent of the Shire.
<b>PO24</b> Reconfiguration creating lots less than required under PO23 occurs only where: (a) consolidating the balance of the farmed lot, which is a minimum of 30ha and the single lot created contains a dwelling house that existed at the commencement of this planning scheme; or (b) rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land or the protection of its environmental values without increasing the number of lots. Editor's note—Applicants would need to demonstrate the nature of the improvement,	No acceptable outcome is nominated	Complies.  Proposed Lot 2 is above the 30ha minimum and post subdivision will be a consolidated balance area that will continue the farming activities.  Proposed Lot 1 contains the existing house that existed before the commencement of this 2022 planning scheme.

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
such as amalgamating lots to create a large balance area for an environmental reserve or that is managed in accordance with an appropriate land management plan.		
Industrial activities		
<b>PO25</b> Other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, industries in the rural zone include only: (a) rural industries; (b) industries processing agricultural products which require a rural location: (i) for proximity to the produce being processed; or (ii) to ensure a clean environment separate from general industrial activities; or (iii) to secure a lot size larger than lots available within the industrial zoned land; (c) industries associated with the use or processing of commodities grown in the region, such as sugar cane and grain; (d) extractive industries and other industries that require separation from urban or rural residential areas; and (e) renewable energy facilities.	No acceptable outcome is nominated	Rural Subdivision, no compliance required.

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
<b>Aquaculture, intensive animal industries, animal keeping and extractive industry</b>		
<b>PO26</b> Premises used for extractive industry, aquaculture, animal keeping or intensive animal husbandry are separated from existing sensitive land uses so that significant impact from noise, odour or other emissions are unlikely to be experienced at the sensitive receptor.	No acceptable outcome is nominated Editor's note—Applicants seeking approval for intensive animal industries should refer to the 'National Guidelines for Beef Cattle Feedlots in Australia, National Beef Cattle Feedlot Environmental Code of Practice', 'Queensland Dairy Farming Environmental Code of Practice', 'National Environmental Guidelines for Piggeries' and 'Queensland Guidelines Meat Chicken Farms and that applicants consult with the relevant State government department prior to the lodgement of a development application. For other uses council may require a study that, amongst other matters, identifies how the development meets Environmental Protection (Air) Policy 2019 or Environmental Protection (Noise) Policy 2019.	Rural Subdivision, no compliance required.
<b>Rural workers' accommodation, non-resident workforce accommodation, caretaker's Accommodation</b>		
<b>PO27</b> Accommodation directly supports primary production on the site or in the immediate locality.	No acceptable outcome is nominated	Rural Subdivision, no compliance required.
<b>PO28</b>	<b>AO28</b> The accommodation facility houses 10 workers or fewer.	Rural Subdivision, no compliance required.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
Rural workers' accommodation and non-resident workforce accommodation is small scale.		
<b>Development for tourism and recreation purposes</b>		
<b>PO29</b> Tourist accommodation is small scale and in the form of bed and breakfasts, farm stay and eco-tourism cabins and camping.	No acceptable outcome is nominated	Rural Subdivision, no compliance required.
<b>PO30</b> Tourist and recreation related development has a limited footprint and involves only minor earthworks or clearing.	No acceptable outcome is nominated	Rural Subdivision, no compliance required.
<b>Renewable energy facilities</b>		
<b>PO31</b> Commercial-scale solar and wind farms are located within renewable energy investigation areas. Where commercial scale solar and wind farms cannot locate in these areas, they are within corridors close to the electricity transmission grid along with other renewable energy facilities. Editor's note–Renewable energy investigation areas are shown on overlay map OM9.	No acceptable outcome is nominated	Rural Subdivision, no compliance required.
<b>PO32</b>	No acceptable outcome is nominated	Rural Subdivision, no compliance required.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
Land used for a renewable energy facility is remediated and restored to its predevelopment condition upon decommissioning.		
<b>Extractive industries</b>		
<b>P033</b> The siting and extent of extractive industry operations provides for a buffer of a width that effectively screens the operation from external view and minimises the impacts of the operation on the surrounding locality.	No acceptable outcome is nominated	Rural Subdivision, no compliance required.
<b>P034</b> Operations are undertaken over hours that minimise disturbance to the surrounding locality.	<b>AO34.1</b> Other operations limited to within the hours of 6am to 6pm Monday to Saturday. <b>AO34.2</b> No operations are conducted on Sundays or public holidays.	Rural Subdivision, no compliance required.
<b>P035</b> Unauthorised or accidental public entry does not occur.	<b>AO35.1</b> People-proof fencing having a minimum height of 1.8m erected and maintained at a safe distance around excavated areas and ponded water having a depth of 1m or more. <b>AO35.2</b> The site has signs to warn the public of operations and safety hazards.	Rural Subdivision, no compliance required.
<b>P036</b>	No acceptable outcome is nominated	Rural Subdivision, no compliance required.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
On-site drainage is designed, constructed and maintained to prevent ponding in excavated areas.		
<b>PO37</b> Haulage routes are sealed and do not traverse urban or rural residential areas other than where using state controlled roads.	No acceptable outcome is nominated	Rural Subdivision, no compliance required.
<b>PO38</b> Disturbed areas are progressively rehabilitated to achieve a stable landform and be acceptable for future use utilising native plant species in rehabilitation. Editor's note—A bond for the performance of rehabilitation works is provided to the council, with bonded monies progressively returned as staged works are completed.	No acceptable outcome is nominated	Rural Subdivision, no compliance required.
<b>Rural amenity and character</b>		
<b>PO39</b> Development maintains the visual amenity and landscape character of the locality.	No acceptable outcome is nominated.	Rural Subdivision, farming and residential uses are existing. Considered to comply.
<b>PO40</b> Development minimises the loss of existing vegetation and earthworks on the site.	Development is conducted within an existing cleared area.	Rural Subdivision, no compliance required.
<b>PO41</b>	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.

<b>Assessable Development</b>		
<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Comment</b>
Development minimises impacts on the natural environment and maintains habitat areas and corridors.		
<b>PO42</b> Landscaping is provided to screen views from surrounding roads and neighbouring sites.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>PO43</b> Non-residential buildings or structures are screened by a landscaped buffer when adjoining land used for rural residential or residential development	Buildings or other structures are screened by a landscaped buffer of 5m when adjoining residential or rural residential development.	Rural Subdivision, farming and residential uses are existing. Considered to comply.
<b>PO44</b> Development does not create significant impacts as a result of noise, odour, dust, volume of traffic generated or other cause.	No acceptable outcome is nominated.	Rural Subdivision, farming and residential uses are existing. Considered to comply.
<b>PO45</b> Development does not impact on public health or safety.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>PO46</b> Sensitive land uses and other forms of inappropriate development do not occur in proximity to former mining activities and related hazards (e.g. abandoned mines, tunnels and shafts), which may cause risk to people and property.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
Editor's note–The location of mining claims, mineral development licences and mining leases is available online via GeoResGlobe.		

Table 4.2.9.3(c)–Separation Distances

Column 1	Column 2	Column 3 Minimum separation distances (metres)	
Use	Number of animals	Land in an urban zone or rural residential zone	Other sensitive land use
Poultry	100-200	100	60
	200-500	200	60
	501+	300	150
Animal keeping (being kennels or cattery)	n/a	400	150
Intensive animal industry	n/a	1000	400
Extractive industry (being an existing or approved extractive industry operation or a resource/processing area shown on overlay map OM6)	n/a	(i) 1,000m from a hard rock extractive industry; (ii) 200m from a sand and gravel extractive industry; and (iii) 100m from a haul route used by any existing operation.	



ASSESSMENT	
APPLICABLE ASSESSMENT BENCHMARKS	
<b>6.2.1 Development works code</b>	
<b>6.2.1.1 Application</b>	
<p>(1) This code applies to development identified as requiring assessment against the Development works code by the tables of assessment in part 3.</p> <p>(2) When using this code, reference should be made to section 3.3.2 and, where applicable, section 3.3.3, in part 3.</p>	
<b>6.2.1.2 Purpose and overall outcomes</b>	
<p>(1) The purpose of the code is to ensure that development provides services to a standard which is efficient, effective and reflects community expectations, enhances the lifestyle of the community, and minimises impacts on neighbours, the streetscape and the environment.</p> <p>(2) The purpose of the code will be achieved through the following overall outcomes:</p> <ul style="list-style-type: none"> <li>(a) the location and design of infrastructure or works minimise impacts on amenity and landscape character;</li> <li>(b) development minimises site disturbance and impacts on the natural environment;</li> <li>(c) adequate infrastructure is provided to meet the demand likely to be generated by the development;</li> <li>(d) the safe, efficient and cost-effective provision and operation of infrastructure networks occurs by ensuring: <ul style="list-style-type: none"> <li>(i) development is of a scale commensurate with the capacity of the strategic road network and provides access in a manner that protects the safety and efficiency of the network;</li> <li>(ii) development maintains high standards of water quality and the environmental health of waterways;</li> <li>(iii) public health and safety are protected.</li> </ul> </li> <li>(e) excavation and/or filling in the rural zone does not adversely impact on Council controlled land including road reserves and infrastructure, overland flow paths, drainage paths, waterways, wetlands, or road and drainage infrastructure.</li> </ul>	
<b><u>Officers Comment</u></b>	
<p>Where relevant, the proposed development is considered to comply overall with the relevant outcomes sought by the Development Works Code. The fact that there is no works to existing roads or changes to the current hydraulic conditions that are currently on site. The subdivision proposes that the productive rural land and existing dwelling within the subject site is restructured to provide a suitable outcome that assists with improving the current situation and ensuring the viability of agriculture uses on the subject site.</p>	

## 6.2.1.3 Specific benchmarks for assessment

**Table 6.2.1.3(a)—Benchmarks for development that is accepted subject to requirements and assessable development**

Specific assessment against the relevant provisions of the Development Works Code is provided below:

<b>Earthworks</b>		
<b>P01</b> Excavation and filling on land maintains the amenity and utility of adjoining land.	<b>A01</b> Excavation and filling is not carried out within 1.5m of any site boundary.	Not applicable, no earthworks proposed.
<b>P02</b> The carrying out of any excavation or filling does not contaminate any land.	<b>A02</b> No contaminated material or potential acid sulfate soil is used as fill.	
<b>P03</b> The carrying out of any excavation does not create any land instability or public safety risk.	<b>A03</b> Earthworks and retaining structures are carried out in accordance with: (a) Australian Standard 3798:1996- Guidelines on earthworks for commercial and residential development; and (b) Section 3 of Australian Standard 4678:2002- Earth retaining structures.	
<b>P04</b> Earthworks do not: (a) result in ponding on the site or on nearby land; (b) adversely affect the flow of water through an overland flow path; and (c) result in the loss of safety to users or uses of any other land.	No acceptable outcome is nominated.	
<b>P05</b> Earthworks do not result in structures or changes to ground level within a pipeline easement without the consent of the pipeline licence holder. Editor's note—Refer to sections 807-808 of the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	No acceptable outcome is nominated.	

Earthworks		
<b>PO6</b> Earthworks maintain the visual amenity of surrounding land and do not compromise the privacy of adjoining property.	No acceptable outcome is nominated.	
<b>PO7</b> The risk of erosion and sedimentation is minimised by: (a) progressive rehabilitation of disturbed areas within the site; (b) avoiding long term stockpiling of soil; (c) diverting drainage paths around disturbed areas; and (d) preventing sediments from leaving the site.	No acceptable outcome is nominated.	
Excavation and/or filling in the rural zone		
<b>PO8- PO11</b>		Not applicable, no earthworks or filling proposed.
Infrastructure		
<b>PO12</b> Development in an urban zone (other than the township zone) or within the priority infrastructure area is connected to reticulated water, sewerage and stormwater. Note—Urban zone is defined in the Planning Regulation 2017. The priority infrastructure area is identified in the Local Government Infrastructure Plan in schedule 6.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>PO13</b> Development sites are provided with services in a way that is: (a) safe and efficient; (b) maintains the integrity of the external network; (c) does not impose a load on external networks that exceed their capacity; and	<b>AO13</b> All infrastructure required to service the development is provided in accordance with Planning scheme policy – S.C5.2 – Development works.	None proposed, not applicable.

<b>Earthworks</b>		
(d) can be safely, conveniently and cost effectively maintained.		
<b>PO14</b> Where reticulated water supply is not available, development is provided with a reliable water supply that is sufficient for the demands generated on site.	No acceptable outcome is nominated.	Rural Subdivision of existing cane farm, no compliance required.
<b>PO15</b> Where a reticulated sewerage service is not available, an on-site system of treatment and disposal is established that is sufficient for the level of waste water generated on the site.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling that is serviced by an effluent disposal system, considered to comply.
<b>PO16</b> Where provided on-site, water, waste water and stormwater infrastructure are established in a way that ensures public and environmental health, safety, water quality and amenity are maintained.	<b>AO16.1</b> In the rural residential zone, premises are provided with an on-site sewerage treatment and disposal system. <b>AO16.2</b> Elsewhere, no acceptable outcome is nominated	Rural Subdivision of existing cane farm, no compliance required.
<b>PO17</b> Premises are connected to an electricity supply approved by the relevant authority.	<b>AO17</b> The development is connected to electricity infrastructure in accordance with the standards of the relevant regulatory authority.	Considered to comply.
<b>Water management</b>		
Editor's note—A property management plan or environmental management plan, illustrating how environmental impacts will be minimised, may be required to support the proposed development.		
<b>PO18</b> Development is located, designed, constructed and operated to avoid adverse impacts on environmental values and water quality of groundwater, waterways and surface water storages arising from: (a) altered stormwater quality and hydrology; (b) waste water;	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, considered to comply.

<b>Earthworks</b>		
(c) the creation or expansion of non-tidal artificial waterways; or (d) the release and mobilisation of nutrients and sediments.		
<b>PO19</b> Development achieves the stormwater management design objectives outlined in tables 6.2.1.3(c) and 6.2.1.3(d). Editor's note—Urban purpose is defined in the <i>Planning Regulation 2017</i> .	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, considered to comply.
<b>PO20</b> Wherever practical, development: (a) minimises clearing and earthworks; (b) utilises natural flow paths; and (c) minimises impervious surfaces and maximises opportunities for infiltration, capture and reuse.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>PO21</b> Stormwater drainage is provided that has sufficient capacity to safely remove stormwater run-off, in a way that: (a) minimises risk to public safety and property; (b) provides a lawful point of discharge from each lot; (c) minimises ponding; (d) allows for risk associated with potential failures within the system; and (e) allows for practical access for maintenance.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>Acid sulfate soils</b>		
<b>PO22</b> Within the areas identified as potential acid sulfate soils on overlay map OM1, the generation or release of acid and metal	<b>AO22.1</b> Development does not: (a) Involve excavating or removing 100m <sup>3</sup> or more of soil and sediment at or below 5m AHD; or	A portion of the site has been identified as being below the 5mAHD. There is no excavation or removal of soil proposed. No further assessment is required, considered to comply.

**Earthworks**

contaminants into the environment from acid sulfate soils is avoided by:

- (a) not disturbing acid sulfate soils when excavating or otherwise removing soil or sediment, draining or extracting groundwater, excluding tidal water or filling land; or
- (b) where disturbance of acid sulfate soils cannot be avoided, development:
  - (i) neutralises existing acidity and prevents the generation of acid and metal contaminants; and
  - (ii) prevents the release of surface or groundwater flows containing acid and metal contaminants into the environment.

Editor's note—Where works are proposed within the areas identified as potential acid sulfate soils on overlay map OM1 - Acid sulfate soils, the applicant is required to undertake an on-site acid sulfate investigation. The reason for undertaking an acid sulfate soils investigation is to determine the presence of acid sulfate soil in order to avoid disturbance. Where acid sulfate soils cannot reasonably be avoided, investigation results assist in the planning of treatment and remedial activities and must be undertaken in accordance with the Queensland Acid Sulfate Soil Technical Manual and relevant State Planning Policy. Applicants should also refer to the Guidelines for Sampling Analysis of Lowland Acid Sulfate Soils in Queensland, Acid Sulfate Soils Laboratory Methods Guidelines or Australian Standard 4969. It is highly recommended that the applicant develop a

- (b) permanently or temporarily drain or extract groundwater or exclude tidal water resulting in the aeration of previously saturated acid sulfate soils; or
- (c) involve filling with 500m<sup>3</sup> or more with an average depth of 0.5m or greater that results in:
  - (i) actual acid sulfate soils being moved below the water table; or
  - (ii) previously saturated acid sulfate soils being aerated.

OR

**AO22.2**

Development manages waters so that:

- (a) all disturbed acid sulfate soils are adequately treated and/or managed so that they can no longer release acid or heavy metals;
- (b) the pH of all sites, and any water including discharges and seepage to groundwater, is maintained between 6.5 and 8.5 (or an agreed pH in line with natural background);
- (c) waters on the site, including discharges and seepage to groundwater, do not contain elevated levels of soluble metals;
- (d) there are no visible iron stains, flocs or sums in discharge water;
- (e) all reasonable preparations and actions are undertaken to ensure that aquatic health is safeguarded; and
- (f) infrastructure such as buried services, pipes, culverts and bridges are protected from acid attack.

<b>Earthworks</b>		
practical Acid Sulfate Soil Management Plan for use in monitoring and treating acid sulfate soils.		
<b>Traffic and access</b>		
<b>PO23</b> The development is located on roads appropriate for the nature of traffic generated, having regard to the safety and efficiency of the transport network, and the functions and characteristics of the road hierarchy. Note–The road hierarchy is illustrated in Figure 6.2.1.3 of the Development works code.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, as there will be no change to the existing traffic arrangements. Considered to comply.
<b>PO24</b> Development maintains a safe environment for pedestrians, cyclists and vehicles on the site and external to the site. No acceptable outcome is nominated.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>PO25</b> Development has vehicle access and manoeuvring sufficient to accommodate the anticipated traffic demand and servicing requirements safely and efficiently.	<b>AO21</b> Circulation areas, turning areas and driveways comply with Australian Standards AS2890.1 and AS2890.2, as amended from time to time.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>PO26</b> Development (other than dwelling houses and dual occupancies) are designed to enable vehicles to enter and leave the site in a forward direction	<b>AO22</b> Circulation areas, turning areas and driveways comply with Australian Standards AS2890.1 and AS2890.2, as amended from time to time.	Considered to comply as no change to the existing arrangements proposed by this subdivision.
<b>PO27</b> Development provides sufficient parking onsite to accommodate the anticipated demand safely and efficiently.	<b>AO23</b> Vehicle parking is provided in accordance with table 6.2.1.3(e)–Vehicle parking rates and standards. Where the use is not nominated in table 6.2.1.3(e), no acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>PO28</b>	<b>AO24</b> Parking areas comply with Australian	Rural Subdivision of cane farm with an existing dwelling, no compliance required.

<b>Earthworks</b>		
On-site parking is clearly defined, safe and easily accessible.	Standards AS2890.1 and AS2890.2, as amended from time to time.	
<b>PO29</b> Open parking spaces are designed and constructed to facilitate stormwater infiltration on-site.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>PO30</b> Transport noise impacts are managed by the siting and design of development so that the need for acoustic screening is minimised.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>PO31</b> Where they are used, acoustic walls are designed to mitigate visual impacts.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>PO32</b> Lighting is provided to ensure pedestrian and vehicle safety.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>Landscaping</b>		
<b>PO33</b> Landscaping is designed, established and maintained to: (a) incorporate existing vegetation, where appropriate; (b) reinforce existing streetscape character; (c) provide effective shade and screening; (d) be sustainable without undue reliance on irrigation; (e) be suitable to the tropical climate. Editor's note—A landscaping plan may be required which should incorporate: • a fully dimensioned site plan describing the existing landscape including the landscape and environmental significance of remnant vegetation; • the location and depth of all existing services;	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.



<b>Earthworks</b>		
<ul style="list-style-type: none"> <li>• natural drainage lines;</li> <li>• existing levels and finished levels;</li> <li>• a full schedule of plantings and materials including growing characteristics, quantities of each plant and other materials; and</li> <li>• a drainage and irrigation plan.</li> </ul>		
<b>PO34</b> Landscaping: (a) is established using semi-advanced plants in conjunction with shrubs and ground covers; (b) uses native and endemic species where possible; and (c) does not utilise species which are noxious or poisonous or have drop limbs.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>Waste and pollutant management</b>		
<b>PO35</b> Development provides on-site facilities for the storage and collection of solid wastes that are secure and avoid potential for nuisance.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>PO36</b> Liquid wastes produced by development are managed and disposed of so no risk of nuisance or environmental harm is created.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>PO37</b> Development involving the handling of potential pollutants is designed and operated to ensure spills and on-site surface water are captured and treated prior to release to the environment.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.

ASSESSMENT	
APPLICABLE ASSESSMENT BENCHMARKS	
<b>5.2.5 Flood hazard overlay code</b>	
<p><b>5.2.5.1 Application</b></p> <p>(1) This code applies to development where the code is identified as applicable in the categories of assessment and development for the Flood hazard overlay code.</p> <p>(2) When using this code, reference should be made to section 3.3.2 and, where applicable, section 3.3.3, in part 3.</p> <p>Note—For the purposes of section 13 of the Building Regulation 2006:</p> <ul style="list-style-type: none"> <li>(a) the area covered by the flood overlay maps is the designated flood hazard area;</li> <li>(b) the defined flood level is the level described in schedule SC1.2;</li> <li>(c) the overlay mapping shows both river flooding (overlay mapping OM7(a)) and local rain event flooding (overlay map OM7(b)). The defined flood event and defined flood level relates to both events. To remove any doubt, the defined flood level is the higher of either flood type under the defined flood event.</li> </ul> <p><b>5.2.5.2 Purpose and overall outcomes</b></p> <p>(1) The overall outcomes are the purpose of the flood hazard overlay code.</p> <p>(2) The purpose of the code will be achieved through the following overall outcomes:</p> <ul style="list-style-type: none"> <li>(a) in an urban zone or rural residential zone, reconfiguration of land does not result in additional lots on land subject to high or extreme flood hazard; Editor's note—to remove any doubt, this outcome does not apply to the township of Giru for which just one "flood hazard area" category is mapped. Editor's note—the provisions of the rural zone code identify when reconfiguration may be contemplated in the rural zone. No new lots are intended in the village precinct of the rural zone, which includes settlements also affected by flood hazard.</li> <li>(b) elsewhere, reconfiguration is designed to ensure each lot is provided with: <ul style="list-style-type: none"> <li>(i) a building envelope to accommodate a dwelling house with floor levels above the defined flood level; and</li> <li>(ii) vehicular access from a public road to the building envelope that is free of high or extreme flood hazard;</li> </ul> </li> <li>(c) in the rural, low density residential, township or emerging community zones, new dual occupancies or more intensive residential uses, or worker or tourist accommodation uses are not established on land subject to medium, high or extreme flood hazard, and any redevelopment of an existing use does not substantially increase the number of people accommodated or requiring evacuation from the site; Editor's note—to remove any doubt, this outcome does not apply to the area covered by the Giru flood hazard area or the floodplain assessment area.</li> <li>(d) unless necessary to meet a significant community need: <ul style="list-style-type: none"> <li>(i) new critical or vulnerable uses are not established in a flood hazard area; and</li> <li>(ii) any redevelopment of an existing use does not substantially increase the number of people accommodated or requiring evacuation from the site; Editor's note—Critical or vulnerable uses are defined in schedule 1.</li> </ul> </li> <li>(e) development in a flood hazard area otherwise occurs in the way intended in the relevant zone;</li> </ul>	

- (f) development in a flood hazard area is designed to ensure the safety of people, reduce vulnerability to the hazard and, for critical uses, minimise disruption to services;
- (g) development involving the bulk storage or manufacture of hazardous materials does not increase the risk to public safety or the environment in a flood hazard event;
- (h) development does not worsen the severity of, or exposure to, the hazard on other properties;
- (i) flood flow conveyance paths and flood storage volumes of the floodplain are maintained;
- (j) the cost to the public of measures to mitigate flood risks is minimised;
- (k) development supports effective and efficient disaster management capacity and capabilities.

#### **Officers Comment**

The site is mapped as being subject to extreme hazard flood area for a river flood event. The proposed subdivision does not change any of the existing uses of the subject site and there is no plan to include any additional residential uses.

Given that there are no earthworks proposed, the development will not change the inundation characteristics outside the subject site in ways that will increase the duration of the any flood hazard.

#### **5.2.5.3 Specific benchmarks for assessment**

**Table 5.2.5.3–Benchmarks for assessable development**

Specific assessment against the relevant provisions of the Flood Hazard overlay code is provided below:

<b>Compatible development</b>		
<b>P01</b> Where land is included in an urban or rural residential zone, development does not increase the number of lots within the high or extreme flood hazard area.	<b>A01</b> No new lots are created.	Rural Subdivision of cane farm with an existing dwelling, no compliance required.
<b>P02</b> Development involving critical or vulnerable uses is not located within any flood hazard area, unless it involves a minor extension to, or redevelopment of, an existing use.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>P03</b> Dual occupancies and more intensive residential uses do not establish in the rural, low density residential, township or emerging community	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.

## Attachment C – Detailed Assessment

zones where they fall within the extreme, high or medium hazard areas, unless it involves a minor extension to, or redevelopment of, an existing use.		
<b>PO4</b> Development involving worker or tourist accommodation uses do not establish in the rural, low density residential, township or emerging community zones where they fall within the extreme, high or medium hazard areas, unless it involves a minor extension to, or redevelopment of, an existing use.	No acceptable outcome is nominated.	Rural Subdivision, no compliance required.
<b>PO5</b> Development involving an existing use mentioned in PO2, PO3 or PO4 does not substantially increase the number of people accommodated or requiring evacuation from the site.	No acceptable outcome is nominated.	Considered to comply as no change to the existing access proposed as part of the subdivision.
<b>PO6</b> Critical uses are able to function effectively during and immediately after a flood hazard event.		Rural Subdivision, no compliance required.
<b>PO7</b> Where components of commercial or industrial uses are located below the level of the defined flood event, stock or facilities: (a) are relocatable or readily replaced; (b) are not vital to the safe operation of the use during or after a flood event; and (c) are located or designed to avoid causing a risk to public safety in the event of a flood or impede the flow of flood water. Note—To demonstrate compliance with this performance outcome, applicants should prepare a flood response		Rural Subdivision, no compliance required.

plan.		
<b>PO8</b> Development either: (a) does not involve the manufacture or storage of hazardous materials within a flood hazard area; or (b) is designed to prevent the release of hazardous materials during a flood event.		Not applicable.
<b>PO9</b> Premises used for extractive industry, aquaculture, animal keeping or intensive animal husbandry are at low risk of inundation.	<b>AO9</b> Development occurs on land which is above the defined flood event.	Not applicable.
<b>Mitigation of flood hazard</b>		
<b>PO10</b> Development which occurs in areas subject to a flood hazard ensures new buildings or extensions are designed to remain structurally sound during the defined flood event.	No acceptable outcome is nominated.	Not applicable. No new building works.
<b>PO11</b> Infrastructure likely to become a public asset is designed to withstand hydrodynamic forces of the defined flood event.	No acceptable outcome is nominated.	Not applicable.
<b>PO12</b> Development involving the expansion or redevelopment of critical or vulnerable uses ensures new buildings or extensions are provided with a high level of flood immunity.	<b>AO12</b> Floor levels are established at the level of the 0.5% AEP plus a freeboard of 500mm.	Not applicable.
<b>PO13</b> Development involving the expansion or redevelopment of critical or vulnerable uses ensures effective provision is made for evacuating residents and users, or shelter in place in the event available response times prevent evacuation.	No acceptable outcome is nominated.	Not applicable.

## Attachment C – Detailed Assessment

<b>PO14</b> Any new lots created provide for a building envelope to accommodate a dwelling house with floor levels above the defined flood level.	No acceptable outcome is nominated.	Considered to comply. Rural Subdivision of cane farm with an existing dwelling.
<b>PO15</b> Any new lots created provide for vehicular access between a building envelope and a public road free of high or extreme hazard.	No acceptable outcome is nominated.	Considered to comply. Rural Subdivision of cane farm with an existing dwelling.
<b>PO16</b> Development does not change inundation characteristics outside the subject site in ways that would: (a) result in loss of flood storage or loss of, or changes to, flow paths; (b) adversely change the depth or behaviour of the hazard; or (c) reduce warning times; or (d) increase the duration of the hazard.	No acceptable outcome is nominated.	Considered to comply. Rural Subdivision of cane farm with an existing dwelling.
<b>PO17</b> Any structures or works intended to mitigate the risk or impacts of inundation on a development site are located wholly on private land.	No acceptable outcome is nominated.	Not applicable.
<b>PO18</b> Adequate provision is made for safe evacuation, response and recovery during a flood event.	No acceptable outcome is nominated.	Considered to comply. Rural Subdivision of cane farm with an existing dwelling.

### APPLICABLE ASSESSMENT BENCHMARKS

#### 5.2.3 Environmental significance overlay code

##### 5.2.3.1 Application

(1) This code applies to development where the code is identified as applicable in the categories of assessment and development for the Environmental significance overlay code.

(2) When using this code, reference should be made to section 3.3.2 and, where applicable, section 3.3.3, in part 3.

##### 5.2.3.2 Purpose and overall outcomes

(1) The overall outcomes are the purpose of the environmental significance overlay code.

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

- (a) development avoids or minimises direct and indirect impacts on areas of environmental significance and their associated ecological functions and biophysical processes;
- (b) development protects and complements the ecological function and integrity of the strategic environmental area (designated precinct); Editor's note—Certain land uses are unacceptable uses within the designated precinct of the strategic environmental area under the Regional Planning Interests Regulation 2014 (schedule 2).
- (c) development maintains the functionality, connectivity, diversity and viability of areas of environmental significance;
- (d) ecological corridors facilitate viable wildlife movement between habitat areas, habitat diversity and health;
- (e) development does not impact on the physical and hydrological integrity, water quality or ecological functions and values of waterways and wetlands;
- (f) development incorporates appropriate buffering and mitigation strategies to avoid or minimise potential damage to natural areas and other environmental assets. Editor's note—Environmental offsets for significant residual impacts on matters of state environmental significance are regulated by the Environmental Offsets Act 2014 and Environmental Offsets Regulation 2014.
- (g) development does not impact on the environmental values or ecological functions of land in the zone;

##### Officers Comment

Where relevant, the proposed development is considered to comply overall with the relevant outcomes sought by the Environmental significance overlay code. There is no change to the physical characteristics existing on site as result of the proposed reconfiguration and the proposal is expected to maintain the natural surface water and ground water regimes of the waterway/drain feature.

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
<b>PO1</b> Development: (a) avoids impacts to areas of environmental significance; or (b) where impacts cannot be avoided, they are minimised and mitigated through appropriate location, siting and design; or (c) where impacts cannot be avoided or minimised and mitigated, an environmental offset is provided for any significant residual impact. Editor's note—Significant residual impacts on matters of state environmental significance are offset in accordance with the <i>Environmental Offsets Act 2014</i> .	<b>AO1</b> Development is: (a) not located within an area supporting matters of state environmental significance; or Editor's note—Matters of state environmental significance are shown on OM5. (b) located wholly within an area that has a valid development approval for native vegetation clearing. Editor's note—A development approval has been given under schedule 10, part 3 of the <i>Planning Regulation 2017</i> .	Rural Subdivision of cane farm with an existing dwelling. There is no change to the nature of the site. Considered to comply.
<b>PO2</b> Development protects and complements the ecological function and integrity of the strategic environmental area (designated precinct). Editor's note—Certain land uses are unacceptable uses within the designated precinct of the strategic environmental area under the <i>Regional Planning Interests Regulation 2014</i> (schedule 2).	<b>AO2</b> Development is: (a) not located within a strategic environmental area (designated precinct); or Editor's note—The strategic environmental area (designated precinct) is shown on OM5. (b) located wholly within an area that has a valid development approval for native vegetation clearing. Editor's note—A development approval has been given under schedule 10, part 3 of the <i>Planning Regulation 2017</i> .	Rural Subdivision of cane farm with an existing dwelling. There is no change to the natural surface water or the hydraulic regimes of the waterway. Considered to comply.



Table 5.2.3.3(b)—Benchmarks for assessable development

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
<b>P03</b> Development is located, designed and operated to: (a) retain and protect significant values; and (b) maintain the underlying ecological functions and biophysical processes. Editor's note—Values of significance may include, but are not limited to, areas of habitat that support a critical life cycle stage such as feeding, breeding or roosting or an ecological function for threatened species, ecological communities or migratory species.	No acceptable outcome is nominated.	Considered to comply. Rural Subdivision of cane farm with an existing dwelling.
<b>P04</b> Ecological corridors are retained to maintain ecological processes and functions and ensure viable connectivity between habitat areas for terrestrial and aquatic wildlife movement between habitat areas.	No acceptable outcome is nominated.	Not applicable.
<b>P05</b> Development maintains a buffer to wetlands and waterways, in order to: (a) protect or enhance ecological processes and values; (b) protect water quality and aquatic conditions; (c) provide unimpeded movement of fauna within and along waterways or wetlands; and (d) improve bank stability and prevent soil erosion.	<b>AO5.1</b> Other than for linear infrastructure, riparian vegetation is retained and/or rehabilitated along each side of a waterway, within at least 50m of the defining banks of all waterways. Note—The defining bank can either be the bank or terrace that confines the water before the point of flooding or where there is no bank, the seasonal high water line which represents the point of flooding. <b>AO5.2</b> Development provides the following buffers::	Considered to comply. Rural Subdivision of cane farm with an existing dwelling.

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
	(a) 100m from the maximum water level of freshwater wetlands; and (b) 100m from the Highest Astronomical Tide (HAT) line of a tidal wetland.	
<b>P06</b> Development maintains natural surface water and groundwater hydraulic regimes of wetlands and waterways.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling. There is no change to the nature of the site. Considered to comply.
<b>P07</b> The ongoing protection of those parts of a development site supporting significant ecological features or processes that are to be retained is secured.	<b>A07</b> Those parts of the site to be protected are secured using one or more of the following mechanisms: (a) transferring into public ownership; (b) setting aside for open space and conservation purposes within a group title arrangement; (c) restricted building envelopes; or (d) protection under a conservation covenant.	Not applicable.
<b>P08</b> Development does not result in the introduction of pest species (plant or animal), that pose a risk to ecological integrity or disturbance to native flora and fauna	No acceptable outcome is nominated.	Not applicable.
<b>P09</b> Development minimises potential for disturbance of wildlife as a result of noise, light, vibration or other sources.	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling. There is no change to the nature of the site. Considered to comply.
<b>P010</b> Where development occurs within habitat areas (to the extent provided for by the other performance outcomes in this code): (a) fauna is safely relocated to suitable alternative locations; and	No acceptable outcome is nominated.	Rural Subdivision of cane farm with an existing dwelling. There is no change to the nature of the site. Considered to comply.

Assessable Development		
Performance outcomes	Acceptable outcomes	Comment
(b) the sequence of habitat disturbance ensures that fauna is not isolated from adjoining areas of habitat.		

### **North Queensland Regional Plan**

The proposal site is located in the Priority Agricultural Area (PPA) mapped in the North Queensland Regional Plan (NQRP), with the NQRP integrated into the Burdekin Shire Planning Scheme December 2022. The NQRP benchmarks expect the proposed development will not contribute to a net loss to overall agricultural activity or result in widespread or irreversible impacts of the PPA.

The proposal is considered consistent with the outcomes sought of the North Queensland Regional Plan, as the existing agricultural production area is not affected, and any existing conflict has not been altered.

### **Public Submissions**

Public notification was required for the development, as it is subject to impact level of assessment under the *Burdekin Shire Planning Scheme December 2022*. The applicant undertook Public Notification between 5 September 2023 – 25 September 2023, being a minimum period of at least 15 business days, in accordance with the relevant requirements of the *Planning Act 2016*.

No submissions were received during the notification period.

**Infrastructure Charges**

Reconfiguring a Lot for subdivision is a development type which triggers infrastructure charges to be applied as per Council's Charges Resolution. For a Rural subdivision, only a Transport contribution is applicable. A discount for the existing Lot has to be applied to the site in accordance with Council's Charges Resolution.

<b>Development Description</b>	<b>Water Supply</b>	<b>Sewerage</b>	<b>Transport</b>	<b>Public Parks &amp; Land for Community Facilities</b>	<b>Stormwater</b>	<b>Total</b>
Rural -Reconfiguring a Lot – 2 lots created	\$0.00	\$0.00	\$5,000.00	\$0.00 (not applicable)	\$0.00	\$5,000.00
Less discount applied	\$0.00	\$0.00	\$2,500.00	\$0.00 (not applicable)	\$0.00	\$2,500.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,500.00</b>