



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 27 February 2024

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

1. ATTENDANCE

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

Mr. T. Brennan - Chief Executive Officer
Mr. N. O'Connor – Director Corporate and Community Services
Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services
Mr. G. Arboit – Acting Manager Community Services/Cultural Venues Manager (Part)
Mrs. K. Galletta - Manager Planning and Development (Part)
Mrs. K. Olsen - Manager Financial and Administrative Services (Part)
Mr. Z. Trace-Campbell - Technical Officer - Civil (Part)

Minutes Clerk - Ms. G. Biffanti

2. PRAYER

The meeting prayer was delivered by Father Manoj Kummath from Burdekin Catholic Parish.

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Boccalatte advised she had a Declarable Conflict of Interest in Item 6.4.2 Request for Lease Fee Relief - Lease of Reserve Land for Grazing (Rita Island/Jarvisfield) - Mr. Roy Pryor as her family's property borders on the Reserve Land - Lot 141 on Crown Plan GS808420 which is part of the land included in the request for lease relief. Councillor Boccalatte advised of her intention to leave the meeting during this discussion.

Councillor Perry advised she had a Declarable Conflict of Interest in Item 7.3.1 Development Application for a Development Permit for Reconfiguring a Lot - Subdivision (One (1) into Two (2) Lots) at 74 Ferguson Road, Ayr (Lot 7 on SP270760) as the applicant Mr. John Grasso is a long standing friend of the family. Councillor Perry advised of her intention to leave the meeting during this discussion.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 13 February 2024

Recommendation

That the minutes of the Ordinary Council Meeting held on 13 February 2024 be received as a true and correct record.

Resolution

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

CARRIED

4.2. Economic Development Advisory Group Meeting Minutes - 1 February 2024

Executive Summary

This report provides the minutes of the Economic Development Advisory Group Meeting held on 1 February 2024.

Recommendation

That:

1. the minutes of the Economic Development Advisory Group Meeting held on 1 February 2024 be noted and adopted.

Resolution

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

CARRIED

4.3. Audit Committee Meeting Minutes - 7 February 2024

Executive Summary

This report provides the Minutes of the Audit Committee Meeting held on 7 February 2024.

Recommendation

Item 4. Minutes of the Audit Committee Meeting held on 6 September 2023

That the minutes from the previous meeting held on 6 September 2023 be formally adopted.

Item 5.2 Consider need for closed session briefing with Crowe/QAO

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

Items 5.1, 5.3, 5.4 QAO Briefing Paper, Financial Audit Report – Local Government 2023 Report 8: 2023-24 and Response to QAO Local Government 2023 Report 8: 2023-24

That the Committee notes the QAO Briefing Paper, Financial Audit Report – Local Government 2023 Report 8: 2023-24 and Response to QAO Local Government 2023 Report 8: 2023-24 and the content of this report and the associated programs and initiatives being implemented to address the three new recommendations and the prior year recommendations for Councils contained in the Queensland Audit Office's Local Government 2023 Report 8: 2023-24.

Items 6.1, 6.2, 6.3 Internal Audit Report – Progress towards achieving audit schedule and recommendations from audits undertaken, 6.2 Internal Audit Plan 2021/22/FY to 2023/24 FY and 6.3 Waste Collection Services Contract Processes

That the Committee accepts the Waste Collection Services Contract Processes internal audit report and associated agreed management action items and note the internal audit briefing paper as presented.

7.1 and 7.2 Presentation of Risk Management Committee Meeting Agenda, Briefing Papers and Minutes and Risk Management Update Report

That the Committee notes the minutes of the Risk Management Committee Meetings held on 20 September 2023, 15 November 2023, 10 January 2024 and the Risk Management Update Report.

7.3 Progress Report on Implementation of Agreed Management Action Items from Internal and External Audit

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

7.4 Cyber-Security Updates

That the Committee accept the Cyber-Security Update report with the revised dates.

8.1 Results of Self-Assessment - Audit Committee Performance

That the Committee notes the results of the Self-Assessment of Audit Committee Performance.

9.1 Adoption of Schedule Dates and Agenda Items 2024

That the 2024 Audit Committee Schedule Dates and Agenda Items be formally adopted by the Committee.

That:

1. the minutes of the Audit Committee meeting held on 7 February 2024 be noted; and
2. the recommendations as detailed in the minutes and summarised in Items 4 to 9.1 above be adopted.

Resolution

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

CARRIED

9.12am Mr. Arboit entered the meeting.

4.4. Community Grants Panel Meeting Minutes - Round 3 - 13 February 2024

Executive Summary

This report provides the minutes of the Community Grants Panel Meeting held on 13 February 2024.

Recommendation

That:

1. the minutes of the Community Grants Panel Meeting held on 13 February 2024 be noted; and
2. the recommended funding as detailed in the minutes and noted in Items 1.1 - 1.8 be adopted; and
3. it be noted that the remaining cash funds available for the 2023/2024 Financial Year after the allocation from Round 3 will be \$25,564.00.

Resolution

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

CARRIED

5. EXECUTIVE

5.1. CEO

5.2. ECONOMIC DEVELOPMENT

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.2. COMMUNITY DEVELOPMENT

6.2.1. Community Engagement Policy

Executive Summary

Council's Community Engagement Policy is a Corporate Policy aimed at ensuring an appropriate level of engagement with the community, particularly in relation to Council decisions and activities. The policy sets out a principles based approach to ensuring the community is well informed and that community views are heard and considered as part of the Council decision-making process when developing Council plans, strategies, policies

and service delivery initiatives.

The policy was last reviewed and adopted in December 2021 and has been reviewed by Officers as part of the 24 month policy review cycle. Minor wording adjustments have been made to the policy as part of the review process.

Recommendation

That Council adopts the updated Community Engagement Policy as attached to this report.

Resolution

Moved Councillor Furnell, seconded Councillor Musumeci that the recommendation be adopted noting the amendment to the paragraph above the heading Challenges with the inclusion of Radio to the examples of various methods and tools to reach and involve different groups of people.

CARRIED

6.2.2. Active Women and Girls Funding - Burdekin Small Towns Get Active Program

Executive Summary

The Active Women and Girls Program is a Queensland Government funding initiative which aims to boost sport and active recreation opportunities for women and girls. While funding of \$7,500.00 (maximum) is available to sport and recreation organisations, Local Government is eligible to apply for \$25,000.00 (GST exclusive).

Program applications will close on 6 March 2024 and funded projects must be delivered by 30 June 2025.

This report seeks Council approval to apply for \$25,000.00 (GST exclusive) to fund the proposed Burdekin Small Towns Get Active and Local Sport and Recreation Leaders Program.

Recommendation

That Council submits the application to the State Government's Active Women and Girls Program seeking \$25,000.00 (GST exclusive) to conduct the Burdekin Small Towns Get Active and Local Sport and Recreation Leaders Program.

Resolution

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

CARRIED

6.2.3. Scootaville Fee Waiver Request - Ayr Showgrounds

Executive Summary

Scootaville is a charity ride touring Queensland (Brisbane to Townsville) which will raise funds for families of missing or wounded Veterans through Legacy and to assist homeless

Veterans through the Air Force Association. Council received an enquiry from Scootaville Charity Ride for use of Showgrounds Hall and amenities block to accommodate an overnight stay for 40 participants on 13 September 2024. A quotation was provided for associated costs (\$935.00 inclusive GST) however Scootaville responded with a request for Council to waive the fees on the Showgrounds facilities.

Recommendation

That Council approves a 50% discount on the 24 hour hire fee for Ayr Showgrounds Hall and that Scootaville are responsible for cleaning costs.

Resolution

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

CARRIED

9.30am - Mr. Arboit left the meeting.

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.3.1. Monthly Financial Report - January 2024

Recommendation

That the Monthly Financial Report for Period Ending 31 January 2024 be received.

Resolution

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

CARRIED

9.47am - Mrs. Olsen left the meeting.

6.4. GOVERNANCE

6.4.1. Local Roads and Community Infrastructure Program - Phase 4 - Additional Project Nominations

Executive Summary

At its meeting held on 12 September 2023, Council approved two (2) projects for funding under the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts Phase 4 allocation of the Local Roads and Community Infrastructure Program (LRCIP).

Part A Allocation - Clare Pool Rejuvenation Project - \$150,000.00 of the \$620,261.00 allocation; and
Part B Allocation - Thompson Road Floodway Upgrade Project - \$357,780.00.

Funds of \$470,261.00 remain to be allocated from Part A allocation of \$620,261.00. Part B allocation has been fully committed.

This report seeks Council approval to nominate two (2) community projects to utilise the remaining LRCIP Phase 4 funds.

Recommendation

That Council:

Under the Local Roads and Community Infrastructure Program Phase 4 :

1. the Charlie's Hill WWII Radar Station Development Project totalling \$270,261.00; and
2. the Millaroo Community Entertainment Precinct totalling \$200,000.00

be submitted for funding as projects under the Part A remaining allocation of \$470,261.00.

Resolution

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

Amendment

Moved Councillor Detenon, seconded Councillor Bonanno that the recommendation for two projects to be submitted under the Local Roads and Community Infrastructure Program Phase 4 be voted on separately by Councillors.

CARRIED

Resolution

Moved Councillor Boccalatte, seconded Councillor Furnell that the recommendation for the Local Roads and Community Infrastructure Program - Phase 4 - Additional Project Nomination - Number 1, Charlie's Hill WWII Radar Station Development Project totalling \$270,261.00 be submitted for funding as a project under the remaining Part A allocation of \$470,261.00 be adopted.

FOR - Councillors Lyn McLaughlin, Sue Perry, Kaylee Boccalatte, John Furnell

AGAINST - Councillors John Bonanno, Michael Detenon, Max Musumeci

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CARRIED

Resolution

Moved Councillor Detenon, seconded Councillor Bonanno that the recommendation for the Local Roads and Community Infrastructure Program - Phase 4 - Additional Project Nomination - Number 2, Millaroo Community Entertainment Precinct totalling \$200,000.00 be submitted for funding as a project under the remaining Part A allocation of \$470,261.00 be adopted.

CARRIED

6.4.2. Request for Lease Fee Relief - Lease of Reserve Land for Grazing (Rita Island/Jarvisfield) - Mr. Roy Pryor

10.07am - Councillor Boccalatte left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in Item 6.4.2 Request for Lease Fee Relief - Lease of Reserve Land for Grazing (Rita Island/Jarvisfield) - Mr. Roy Pryor as her family's property borders on the Reserve Land - Lot 141 on Crown Plan GS808420 which is part of the land included in the request for lease relief.

Executive Summary

Council has a trustee lease (for grazing purposes only) with Mr. Roy Pryor for the following parcels of land:

- part of Lot 141 on Crown Plan GS808420,
- the whole of Lot 122 on Crown Plan GS405,
- the whole of Lot 121 on Survey Plan 205555 for the period 21 December 2022 - 20 December 2027

Mr. Pryor has requested the current lease fee of \$8,000.00 per year be waived for two (2) years to enable time to improve the land further to derive an income stream.

Recommendation

That Council offers Mr. Pryor fee relief of 50% of the current lease fee of \$8,000.00 per year for a period of 2 (two) years, for the period from 21 December 2023 - 20 December 2025.

Resolution

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

CARRIED

10.11am - Councillor Boccalatte re-entered the meeting.

6.4.3. Renewal of Trustee Lease - Reserve For Landing Ground for Aircraft - Bruno Wyburg

Executive Summary

The trustee lease (Lease B on SP272021) between Council and Mr. Bruno Wyburg over a portion of Reserve for Landing Ground for Aircraft R291 (Lot 114 on GS730) located at Millaroo is due for renewal. The previous lease had a five (5) year term. Mr. Wyburg has confirmed he wishes to renew the lease.

In dealing with this matter, Council must comply with the procedures for disposal of a valuable non-current asset as set out in the *Local Government Regulation 2012*.

Recommendation

That Council:

- a) Applies the exception under Section 236(1)(c)(iii) of the *Local Government Regulation 2012* to allow the disposal of part of Lot 114 on GS730 to Mr. Wyburg for the purpose of growing sugar cane.
- b) Agrees in principle to enter into a trustee lease under Section 57(1) of the *Land Act 1994* with Mr. Wyburg over a portion of Reserve for Landing Ground for Aircraft R291 (Lot 114 on GS730) comprising of approximately 7.595 hectares of land. The term of the lease shall be for five (5) years with the annual rental being \$5,400.00 (exclusive of GST) per annum.

Resolution

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

CARRIED

6.4.4. Burdekin Shire Local Housing Action Plan

Executive Summary

Burdekin Shire Council submitted a motion for consideration at the 2022 Local Government Association of Queensland (LGAQ) Annual Conference which called on State and Federal Governments to allocate specific funding to support Councils to prepare Local Housing Action Plans (LHAPs). The conference supported the motion, and in turn the State Government has provided funding to the LGAQ to support Councils in developing LHAPs.

Since confirmation of financial and project co-ordination support from the LGAQ, Burdekin Shire Council staff have been liaising with Hinchinbrook Shire Council staff to explore a joint approach to development of LHAPs for both Shires. Given the similarities in demographics, economic profiles and anecdotal housing issues facing both Shires, a joint approach would result in more efficient use of funding, consulting effort and project management.

In preparing the Burdekin Local Housing Action Plan, Council engaged with a range of stakeholders including:

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- Targeted stakeholder workshop held on 22 November 2023. Following this initial workshop, stakeholders were provided with a draft of the priority actions for feedback. Stakeholders included local community housing providers, social welfare providers, real estate agents, farmers and Chambers of Commerce.
 - Burdekin Shire Council Economic Advisory Group – presented draft actions for feedback at a meeting held on 1 February 2024.

This report seeks Council's adoption of the Burdekin Shire Local Housing Action Plan.

Recommendation

That Council adopts the Burdekin Shire Local Housing Action Plan as presented in this report.

Resolution

Moved Councillor Furnell, seconded Councillor Detenon that the recommendation be adopted noting the following amendments to the Burdekin Shire Local Housing Action Plan:

- In the heading Key Focus Area include Defence Housing due to the proposed expansion of the Townsville Defence Base.
- Reword of the second last paragraph in the Background section.
- remove "all" and replace with "most" in the first sentence of the last paragraph before the heading Other cohort-specific housing.

CARRIED

10.33am - Meeting adjourned for Morning Tea.

10.54am - Meeting recommenced.

10.54am - Mrs. Galletta entered the meeting.

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 a Development Permit for Reconfiguring a Lot - Subdivision (One (1) into Two (2) Lots) at 74 Ferguson Road, Ayr (Lot 7 on SP270760)

10.55am - Councillor Perry left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in Item 7.3.1 Development Application for a Development Permit for Reconfiguring a Lot - Subdivision (One (1) into Two (2) Lots) at 74 Ferguson Road, Ayr (Lot 7 on SP270760) as the applicant Mr. John Grasso is a long standing friend of the family.

Executive Summary

Council is in receipt of a Development Application lodged by Brazier Motti on behalf of applicant, John Grasso, seeking a Development Permit for Reconfiguring a Lot (One (1) lot into Two (2) lots) on rural zoned land described as Lot 7 on SP270760 and located at 74 Ferguson Road, Ayr.

As the proposed development is impact assessable, officers have assessed the Development Application against the *Burdekin Shire Council Planning Scheme 2022*, all other relevant legislation and relevant matters, together with an assessment of the merits of the application itself.

The site is mapped as being both Priority Agricultural Land and Agricultural Land Classification A and B, given this officers consider the proposal is in direct conflict with the intent of the newly implemented Strategic Framework of the *2022 Planning Scheme*, in particular Part 2.4 Economic Growth, 2.4.1 Diverse Rural Futures, which requires:

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

(a) consolidating the balance of the farmed lot which is a minimum of 30ha and the single lot created contains a dwelling house that existed at the commencement of this planning scheme.....

As the newly implemented Strategic Framework sets the policy direction for the planning scheme and forms the basis for ensuring that appropriate development occurs for the life of the planning scheme, this development proposal to create a vacant, rural lot that will have an area approximately 93% less than the minimum area requirement for land mapped as being priority agricultural land and agricultural land classification Class A and B, cannot be supported for approval by officers.

The application is recommended for refusal as the officers assessment has found neither sufficient merit - planning, technical or otherwise, nor has sufficient need been demonstrated in the application to support the approval of the development proposal, despite its conflicts.

Recommendation

That Council refuse the proposed Development Application seeking a Development Permit for Reconfiguring of a Lot (One (1) lot into Two (2) lots) on land described as Lot 7 on SP270760 and located at 74 Ferguson Road, Ayr, as the proposed development is in conflict (and cannot be conditioned to be consistent/align) with:

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1. Burdekin Shire Council Planning Scheme 2002, in particular:
 - a. Part 2 - Strategic Framework, 2.4.1 Diverse Rural Futures.
 - b. Part 3 – Zones, 4.2.9 Rural Zone Code.
 - c. Part 6 – Development Codes, 6.2.2 Reconfiguring a Lot Code.

10.58am - Mr. Trace-Campbell entered the meeting.

Resolution

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

FOR - Councillors Lyn McLaughlin, Kaylee Boccalatte, Michael Detenon, John Furnell, Max Musumeci

AGAINST - Councillor John Bonanno

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CARRIED

11.08am - Councillor Perry re-entered the meeting.

7.3.2. MCU23/0017 - Development Application for a Development Permit for Community Care Centre and Caretakers Accommodation at 87 Wickham Street, Ayr (Lot 8 on SP167787)

11.09am Mr. O'Connor advised the meeting that his residence is in the vicinity of the property outlined in agenda Item 7.3.2 MCU23/0017 - Development Application for a Development Permit for Community Care Centre and Caretakers Accommodation at 87 Wickham Street, Ayr (Lot 8 on SP167787) and left the meeting.

Executive Summary

Council is in receipt of an impact assessable Material Change of Use Development Application lodged by Brazier Motti on behalf of applicant, R. Martin, seeking a Development Permit to develop a Community Care Centre and Caretakers Accommodation within the existing site and residential dwelling building contained on it, located at 87 Wickham Street, Ayr, on land described as Lot 8 on SP167787.

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 of the merits of the application. Officers have determined that any approval can generally comply or can be conditioned to comply with the outcomes sought by the *Planning Scheme*.

Given this, together with the application of reasonable and relevant conditions, the proposal is therefore recommended for approval.

Recommendation

That Council approve the Development Application for a Development Permit for a Community Care Centre and Caretakers Accommodation located at 87 Wickham Street, Ayr, on land described as Lot 8 on SP167787, subject to reasonable and relevant conditions as set out below:

Condition	Reason	Timing
1 General and Administration <u>Compliance with Conditions</u> 1.1 The Applicant (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) and all other relevant legislative requirements to Council's satisfaction, and best industry practice. 1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) of the development approval will prevail. 1.3 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation. <u>Notice of Intention to Commence the Use</u> 1.4 Prior to the commencement of the use on the land the subject of the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use. <u>Works – Applicant's Responsibility/Expense</u> 1.5 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met by the applicant, at no cost to the Council. 1.6 The applicant must repair any damage to existing infrastructure (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. 1.7 Any required relocation and/or alteration to any public service or facility installation must be carried out at no cost to council. <u>Infrastructure Conditions</u> 1.8 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.		At all times.
2 Approved Plans and Documents <u>Approved Plans & Documents</u> 2.1 The proposed development and use of the site must be completed, comply with and maintained generally in accordance with drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval. 2.2 The development must generally accord with the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. 2.3 One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.	The approved development must be completed and maintained generally in accordance with the approved drawings and documents.	At all times.
Approved Plans		
Drawing Title	Drawing/Revision	Date
Tony Ferraris Consulting – Building Design – Proposed Site and Floor Plan	DWG No: A02, Issue A	28 July 2023
3 Outstanding charges All rates and charges (including infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.		
4 Operation of the Use/Limitation of Approval 4.1 This approval is limited to a 'Community Care Facility and Caretakers Accommodation' use as defined by Schedule 1, Definitions SC1.1 Use Definitions of <i>Burdekin Shire Planning Scheme 2022</i> . 4.2 Specifically the approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 2. 4.3 No other operations and/or activities are allowed other than that approved by this permit. 4.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant.	The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	At all times.

Condition	Reason	Timing
4.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.		
5 Notice of Intention to Commence the Use Prior to the commencement of the use on the land subject to the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.	To ensure Council is appropriately informed of that the use commencing and that all conditions of the relevant development permits have been complied with.	Prior to the commencement of the use.
Carparking and Access		
6 Roadworks, Access, Parking and Traffic 6.1 The development is to provide sufficient car parking on site to safely and efficiently accommodate parking demand generated by the approved activity. 6.2 All vehicles accessing the premises must enter and leave the site in a forward direction. 6.3 Accesses to the premises, car parking and manoeuvring areas must be constructed in an all-weather, suitably sealed, low glare paving (bitumen, asphalt, concrete) to Council's satisfaction. <u>Access</u> 6.4 Existing access is to be widened to a minimum width of 6.0m in accordance with the relevant Australian Standards and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ). 6.5 Appropriate signage and pavement marking to delineate the direction of traffic entering and exiting the site. All pavement marking must be in accordance with the relevant Australian standards and to the satisfaction of the Council. <u>On site Carparking</u> 6.6 A minimum of five (5) carparking spaces, inclusive of one (1) accessible parking space provided for persons with a disability, are to be provided on site at all times, dedicated as follows: <ul style="list-style-type: none"> Community Care Facility – Four (4) spaces; and 	To ensure development is appropriately serviced by adequate parking and access in accordance with relevant code/s and policy direction; and that the developments impact on the road network and safety of road users in this location is appropriately mitigated.	i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Works to be completed prior to the commencement of the use. iii. To be maintained for the life of the development.
<ul style="list-style-type: none"> Caretakers Accommodation – One (1) covered space. 6.7 All on-site parking must be designed in accordance with the relevant Australian Standards and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ). 6.8 All car parking facilities must be always maintained to a safe operating standard thereafter. <u>On Street Carparking</u> 6.9 Where the use of existing on street car parking spaces is required for the Community Care Facility, the use of parking spaces located in the section of Edwards Street between MacMillan Street and Wickham Street only, are strictly permitted for use.		
Nuisance		
7 Avoiding Nuisance 7.1 The proposed activity must be conducted in a manner that applies such reasonable and practical means to avoid, minimise or manage significant impacts on the existing amenity of the locality as a result of noise, lighting, odour, dust, volume of traffic generated, loss of privacy or other cause. 7.2 At all times, the proposed activity shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards. <u>Lighting</u> 7.3 The operation of the activity does not cause undue disturbance to any person or activity because of the light it emits. <u>Hours of Operation</u> 7.4 The hours of operation are limited to 7.00am to 6.00pm Monday to Friday and 9.00am – 1.00pm Saturday. Operation of the Community Care Facility is not permitted on any Sunday or Public Holidays. <u>Complaint Management</u> 7.5 In the event of a complaint being received by Council in relation to nuisance associated with the use that is considered reasonable, Council will require the developer/operator to engage a suitably qualified consultant to undertake an assessment addressing nuisance emanating from the site for this use to the satisfaction of the Burdekin Shire Council.	To ensure that the use of the site does not cause unacceptable nuisance in accordance with community expectations, and relevant legislation including the <i>Environmental Protection Act 1994</i> .	All times.

Condition	Reason	Timing
7.6 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and must provide a recommended method and proposed measures for Council's review and approval. The developer/operator must undertake any works (if required from the report) within three (3) months at no cost to Council.		
Infrastructure Provision		
8 Water Supply 8.1 A suitably qualified Registered Professional Engineer of Queensland (RPEQ) must certify that the existing water supply flow and pressure is adequate to meet the demand of the proposed development in accordance with Council's Customer Service Standards for Water and Sewerage. 8.2 Any alterations required to Council's water reticulation network must be submitted as part of the application for Operational Works and approved Council. 8.3 Any alterations required to Council's water reticulation network are to be completed at the applicant's full cost with no cost to Council. 9 Sewerage Supply 9.1 A suitably qualified Registered Professional Engineer of Queensland (RPEQ) must certify that the existing sewerage infrastructure is adequate to meet the demand of the proposed development. 9.2 Any alterations required to Council's sewerage network must be submitted as part of the application for Operational Works and approved by Council. 9.3 Any alterations required to Council's sewerage network are to be completed at the applicant's full cost with no cost to Council. 10 Stormwater 10.1 A suitably qualified Registered Professional Engineer of Queensland (RPEQ) must certify that any increase in run off from the site will not have detrimental effect on the existing stormwater drainage networks. 10.2 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 ensure that the premises is appropriately serviced by reticulated infrastructure in accordance with relevant code/s and policy direction: a. for general use; b. for firefighting purposes; c. to maintain the structural integrity of Council sewerage and water supply infrastructure; and to d. ensure the premises appropriately manages and convey stormwater legally and in an environmentally responsible manner.	i. Technical details required to be submitted to Council as part of an application for Operational Works, prior to the commencement of any works on site. ii. At all times

Condition	Reason	Timing
10.3. Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		
11 Electricity and Communications Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.		
Amenity and Safety		
12 Landscaping, Fencing and Screening 12.1 Landscaping, Fencing and Screening measures that contributes to an attractive streetscape and maintains appropriate amenity is to be provided. <u>Landscaping</u> 12.1 All existing landscaping provisions to be maintained, except where modified by the conditions of this approval. 12.2 All landscaping including associated irrigation and fencing and screening measures must be suitably constructed and maintained for the life of the development. <u>Fencing and Screening</u> 12.3 A minimum 1.8m high, no gap fence is to be provided for the full length of the common boundaries of the subject site, excepting (i) the front road (southeast) boundary (along Wickham Street); and (ii) the common boundary to the west adjoining the existing residential property, located at 89 Wickham Street, Ayr. 12.4 All plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so as to <u>not</u> : (i) to cause environmental nuisance or harm to the existing residential uses in the surrounding area; and (ii) be visible from the street. 13 Refuse Facilities and Waste Management 13.1 Refuse Facilities and Waste Management must be provided to the satisfaction of Council, in accordance with Council's Waste Management Policy, <i>Local Law No. 8 (Waste Management) 2018</i> and the <i>Environmental Protection Regulation 2019</i> to ensure sufficient waste	To ensure that the use of the site: a. Does not cause noise and light nuisance to nearby sensitive receptors, in accordance with the <i>Environmental Protection Act 1994</i> ; b. Does not have a detrimental effect on the visual amenity of the surrounding locality; c. Allows the general public, service and emergency service providers to effectively identify the property; and d. Protects matters of public health and amenity.	At all times.

Condition	Reason	Timing
<p>management storage capacity is provided on site to adequately cater for the demand generated by the use of the premises.</p> <p>13.1 Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers.</p> <p>13.2 The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted near the enclosure to ensure the area can be easily and effectively cleaned.</p> <p>13.3 Waste storage areas shall be:</p> <p>13.3.1 not visible from the street front; and</p> <p>13.3.2 Suitably screened.</p> <p>14 Signage</p> <p>14.1 Any signage to be associated with the use must be designed to the satisfaction of Council.</p> <p>14.1 To maintain amenity for the adjoining residential properties, no illumination of the signage is to occur unless otherwise approved by Council.</p> <p>15 Storage</p> <p>15.1 Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.</p> <p>15.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>15.3 Any storage on site is required to be screened from view from all roads and adjacent properties.</p> <p>16 Building Materials</p> <p>The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.</p> <p>17 Property Numbering</p> <p>Legible property numbers must be erected at the premises and must be maintained.</p> <p>The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.</p> <p>18 Complaint Management</p> <p>18.1 In the event of a complaint being received by Council in relation to nuisance associated with the use that is considered reasonable, Council may require the developer/operator to engage</p>		

Condition	Reason	Timing
<p>18.2 a suitably qualified consultant to undertake an assessment addressing nuisance emanating from the site for this use to the satisfaction of the Burdekin Shire Council.</p> <p>The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and must provide a recommended method and proposed measures for Council's review and approval. The developer/operator must undertake any works (if required from the report) within 3 months at no cost to Council.</p>		

Advice

<p>1. Infrastructure Charges</p> <p>An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.</p>
<p>2. Uses other than Community Care Facility and Caretakers Accommodation</p> <p>Any other uses proposed on this lot that are not defined as 'Community Care Facility and Caretakers Accommodation' and/or separately defined in Council's Planning Scheme will require a separate development application and permit as per the Planning Scheme requirements and all relevant legislation.</p>
<p>3. Compliance with Conditions</p> <p>Inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to a further approval.</p>
<p>4. Further Approvals Required</p> <p>a) Operational Works</p> <p>A Development Permit for Operational Works to carry out civil works including access widening works, on site car parking and manoeuvrability areas, landscaping and fencing associated with the planning approval is required prior to any works commencing on site.</p> <p>b) Plumbing and Drainage Works</p> <p>A Compliance Permit to carry out plumbing and drainage works prior to the commencement of plumbing and drainage works.</p> <p>c) Building Works</p> <p>A Development Permit for Building Works to carry out building works and to change the classification of the building is required, prior to works commencing on site.</p> <p>d) Build over sewer/Adjacent to Services</p> <p>An Approval to build over/adjacent to sewer will be required, if relevant, prior to works commencing on site.</p> <p>e) Road Works Permit</p> <p>A Roadworks permit for works within the road reserve must be obtained.</p>
<p>5. Construction</p> <p>5.1 Commencement</p> <p>Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via planning@burdekin.qld.gov.au.</p> <p>5.2 Environmental Nuisance</p> <p>Ensure compliance with the Environmental Protection Act 1994. The Act states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance.</p> <p>In this regard persons and entities, involved in the civil, earthworks, and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.</p> <p>5.3 General Safety of Public During Construction</p>

<p>It is the Project Manager's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the Project Manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.</p> <p>It is the Principal Contractor's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the Principal Contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.</p> <p>It is the responsibility of the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.</p>	
<p>5.4 Building Work Noise</p> <p>The hours of audible noise associated with construction and building work on site must be limited to between the hours of:</p> <ul style="list-style-type: none"> ▪ 6.30 a.m. to 6.30 p.m. Monday to Saturday; with ▪ No work on Sundays or Public Holidays. 	
<p>5.5 Storage of Materials and Machinery</p> <p>All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted outside the site, on road reserves or adjoining land unless written permission from the owner of that land and Council is provided.</p>	
<p>6. Aboriginal and Cultural Heritage</p> <p>6.1 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>6.2 The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au</p>	
<p>7. Miscellaneous</p> <p>7.1 Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.</p> <p>7.2 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of Council.</p> <p>7.3 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.</p>	

Resolution

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

CARRIED

11.24am - Mr. Trace-Campbell left the meeting.

11.25am - Mr. O'Connor re-entered the meeting.

7.3.3. RAL23/0007 - Development Application for a Development Permit for Reconfiguring a Lot - One (1) Lot into Two (2) Lots - 108 Rita Island Road, Jarvisfield (Lot 2 on SP337948)

Executive Summary

Council is in receipt of a Development Application lodged by BNC Planning on behalf of applicant, Gordon Wood seeking a Development Permit for Reconfiguring a Lot (One (1) lot into Two (2) lots) on rural zoned land described as Lot 2 on SP337948 and located at 108 Rita Island Road, Jarvisfield.

As the proposed development is impact assessable, officers have assessed the Development Application against the *Burdekin Shire Council Planning Scheme 2022*, all other relevant legislation and relevant matters together with an assessment of the merits of the application itself.

As the site is mapped as being both Priority Agricultural Land and Agricultural Land Classification A and B, Officers consider the proposal is in direct conflict with the intent of the newly implemented Strategic Framework of the *2022 Planning Scheme*, in particular Part 2.4 Economic Growth, 2.4.1 Diverse Rural Futures, which requires:

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

(a) consolidating the balance of the farmed lot which is a minimum of 30ha and the single lot created contains a dwelling house that existed at the commencement of this planning scheme.....

As the Strategic Framework sets the policy direction for the planning scheme and forms the basis for ensuring that appropriate development occurs for the life of the planning scheme, this development proposal to create a vacant, rural lot that will have an area approximately 95% less than the minimum area requirement for land mapped as being priority agricultural land and agricultural land classification Class A and B, cannot be supported for approval by officers.

The application is recommended for refusal as officers assessment has found neither sufficient merit technical or otherwise, nor has sufficient need been demonstrated in the application to support the approval of the development proposal, despite conflicts.

Recommendation

That Council refuse the proposed Development Application seeking a Development Permit for Reconfiguring of a Lot (one (1) lot into two (2) lots) on land described as Lot 2 on SP337948 and located at 108 Rita Island Road, Jarvisfield, as the proposed development is in conflict (and cannot be conditioned to be consistent/align) with:

1. *Burdekin Shire Council Planning Scheme 2002*, in particular:

- a. Part 2 - Strategic Framework, 2.4.1 Diverse Rural Futures.
- b. Part 3 – Zones, 4.2.9 Rural Zone Code.
- c. Part 6 – Development Codes, 6.2.2 Reconfiguring a Lot Code.

Resolution

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

CARRIED

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

AGAINST - Councillor John Bonanno

6/1

CARRIED

7.4. TECHNICAL SERVICES

8. NOTICE OF MOTION

9. RECEIPT OF PETITIONS

10. CORRESPONDENCE FOR INFORMATION

11. GENERAL BUSINESS

11.1. Councillor Boccalatte - Motion to Implement Reporting Procedure for Councillor Participation - Lay on the Table

Councillor Boccalatte distributed a proposed resolution for future consideration by Council.

Executive Summary

Transparency and accountability are essential principles in local governance. Councillors fulfilling the duties and responsibilities provided to them by the local community is crucial for the effective functioning of the council. Adopting a practice whereby Councillors provide regular reports on his/her council duties/commitments and participation in community/Council events/workshops and so forth can enhance communication with constituents and foster trust in the Council's activities.

Recommendation

1. The Council implements a reporting procedure whereby each Councillor shall submit a report to every second council meeting outlining the council duties/ commitments they have participated in during the preceding period.
 2. The report shall include, but not be limited to, details of attendance at Council meetings, budget meetings and workshops, participation in community functions, and any other occasions where the Councillor has acted in a capacity that represents the council.
 3. The reports shall be included in the minutes of the respective Council meetings for transparency purposes.
 4. This reporting procedure shall be effective upon swearing in of the 2024-2028 Council.
 5. A standing agenda item be added to the Council Agenda, titled Mayor's and Councillor's Reports.
 6. The Administration staff shall disseminate a reminder for Councillors to submit their report prior to each reporting period.
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7. A Councillor's failure to submit a report for inclusion in the Council Agenda will be noted in the relevant agenda.

Resolution

Moved Councillor Boccalatte, seconded Councillor Perry that the matter lay on the table for the new term of Council for Councillors to discuss.

CARRIED

FOR - Councillors Lyn McLaughlin, Sue Perry, Kaylee Boccalatte, Michael Detenon, John Furnell

AGAINST - Councillors John Bonanno, Max Musumeci

5/2

CARRIED

12. CLOSED BUSINESS ITEMS

13. DELEGATION

There being no further business the meeting closed at 12.13pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 12 March 2024.

MAYOR
