



Burdekin Shire Council

AGENDA

ORDINARY COUNCIL MEETING

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

on 22 July 2025

COMMENCING AT 9:00 AM

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

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

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ORDER OF BUSINESS:

ATTENDANCE

2. PRAYER

3. DECLARATIONS OF INTEREST

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 8 July 2025

4.2. Minutes for Community, Sporting & Cultural Advisory Group - 21 November 2024

4.3. Fleet Management Steering Committee Minutes - 30 June 2025

4.4. Asset Management Steering Committee Minutes - 30 June 2025

5. EXECUTIVE

5.1. CEO

5.1.1. Social Media Policy

5.1.2. Council Workshops - June 2025

5.1.3. Council Representation on Burdekin Domestic and Family Abuse Prevention Network - Councillor Fina Vasta

5.2. ECONOMIC DEVELOPMENT

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.2. COMMUNITY DEVELOPMENT

6.3. FINANCIAL SERVICES

6.3.1. Monthly Financial Report - June 2025

6.4. GOVERNANCE

6.4.1. Trustee Lease - Lease O on Part of Lot 91 on Crown Plan GS980, Macmillan Street Ayr - Burdekin Art Society Inc.

6.4.2. LGAQ Annual Conference 2025 Motion - Welcome to Country Protocols

6.4.3. LGAQ Annual Conference 2025 Motion - Addressing the Housing Crisis Through Rental Reforms

6.4.4. LGAQ Annual Conference 2025 Motion - Sector-wide AI Policy

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.2. OPERATIONS

7.3. PLANNING AND DEVELOPMENT

7.3.1. Change Application (Minor) for Development Permit MCU23/0013 for Reconfiguring a Lot (Boundary Realignment) and Material Change of Use - Indoor Sport and Recreation (Extension of Existing Gym) - 5 Little Drysdale Street and 177 Macmillan Street, Ayr, on land described as Lot 5 on RP882395 & Lot 32 on A26516

7.3.2. Enforcement under Local Law No. 3 (Community and Environmental Management) 2012 – Part 6A Designated Area for Building Appearance provision

7.4. TECHNICAL SERVICES

7.4.1. Anzac Park Pump Track - Tender Recommendation

7.5. WATER AND WASTEWATER

7.5.1. Register of Pre-Qualified Suppliers - Electrical Trade Services

- 8. NOTICE OF MOTION**
- 9. RECEIPT OF PETITIONS**
- 10. CORRESPONDENCE FOR INFORMATION**
- 11. COUNCILLOR REPORTS**
- 12. GENERAL BUSINESS**
- 13. CLOSED BUSINESS ITEMS**
- 14. DELEGATION**

4.1. MINUTES AND BUSINESS ARISING
Ordinary Council Meeting Minutes - 8 July 2025
Recommendation

That the minutes of the Ordinary Council Meeting held on 8 July 2025 be received as a true and correct record.

Attachments

1. Ordinary Council Meeting Minutes - 8 July 2025



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 8 July 2025

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

ATTENDANCE

Councillor Pierina Dalle Cort, Councillor Michael Detenon, Councillor John Furnell, Councillor Max Musumeci, Councillor Callan Oar, Councillor Fina Vasta

Mr. M. Magin - Chief Executive Officer
Mrs. K. Olsen - Director Corporate and Community Services
Mr. J. Stewart - Director Infrastructure, Planning and Environmental Services
Mr. G. Arboit - Manager Community Services (Part)
Mrs. K. Galletta - Manager Planning and Development (Part)
Mrs. R. Stockdale - Senior Governance Officer (Part)

Apologies - Councillor Amanda Hall - Approved Leave of Absence

Minutes Clerk - Miss. K. Backman

Minutes Clerk - Mrs. S. Iturriaga

1.1. Approved Leave of Absence - Councillor Hall - 8 July 2025.

Resolution

Moved Councillor Dalle Cort, seconded Councillor Vasta that Councillor Hall be granted Approved Leave of Absence for 8 July 2025.

CARRIED

2. PRAYER

The meeting prayer was delivered by Pastor Peter Holmes of the Burdekin Community Church.

3. DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Vasta advised she had a Declarable Conflict of interest in relation to Item 6.3.2 QBSC/25/031 RFQ Jones Street Depot Cleaning due to her previous association with ELA Cleaners. Councillor Vasta advised of her intention to leave the meeting during this discussion.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 24 June 2025

Recommendation

That the minutes of the Ordinary Council Meeting held on 24 June 2025 be received as a true and correct record.

Resolution

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

CARRIED

4.2. Budget Meeting Minutes - 24 June 2025**Recommendation**

That the minutes of the Budget Meeting held on 24 June 2025 be received as a true and correct record.

Resolution

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

CARRIED

4.3. Fleet Management Steering Committee Minutes - 4 April 2025 and 22 May 2025**Executive Summary**

This report provides the Burdekin Shire Council with quarterly updates and the minutes from the Fleet Management Steering Committee meetings held on 4 April 2025 and 22 May 2025. The committee has been formed to provide cross departmental governance and oversight of key priorities for Fleet Management. The report is for noting purposes only, summarising key discussions and updates to inform the Council of the Committee's ongoing efforts in managing the Council's fleet assets.

Recommendation

That Council receive and note the minutes of the Fleet Management Steering Committee meetings held on 4 April 2025 and 22 May 2025.

Resolution

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

CARRIED

4.4. Asset Management Steering Committee Minutes - 9 April and 28 May 2025**Executive Summary**

This report to Council is to provide quarterly updates on the progress and achievements of the Asset Management Steering Committee. The committee has been formed to provide cross departmental governance and oversight of key priorities for Asset management at Burdekin Shire Council.

One of the key priorities is to improve the alignment of the Long-Term Financial Plan with updated Asset Management Plans (AMPs), and addressing risks identified in the QAO's asset consumption reporting. A consolidated draft AMP covering \$968M in infrastructure was presented, highlighting condition risks particularly in sewerage assets and outlining an improvement plan.

Recommendation

That Council receive and note the minutes of the Audit and Risk Committee meetings held on 9 April and 28 May 2025.

Resolution

Moved Councillor Detenon, seconded Councillor Oar that the recommendation be adopted, noting that the recommendation be amended to read that Council receive and note the minutes of the Asset Management and Steering Committee meeting held on 9 April and 28 May 2025.

CARRIED

4.5. Burdekin Shire Youth Council Meeting Minutes - 26 May 2025

Executive Summary

This report provides the minutes of the Burdekin Shire Youth Council Meeting held on 26 May 2025.

Recommendation

Item 4 - Volunteer Roster for Sweet Days, Hot Nights Festival - 30 and 31 May 2025

That Council notes the involvement of the Burdekin Shire Youth Council members in the Sweet Days, Hot Nights Festival to be held on 30 and 31 May 2025. Youth Council members will supervise and assist with activities in the children's craft tent on both days of the event.

Item 5 - Youth Digital Mentors Program

That Council notes the involvement of Burdekin Shire Youth Council members in the Youth Digital Mentors Program being coordinated by the Burdekin Library.

That:

1. the minutes of the Burdekin Shire Youth Council Meeting held on 26 May 2025 be noted and adopted; and
2. the recommendations as detailed in the minutes and summarised above in Items 4 and 5 be adopted.

Resolution

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

CARRIED

4.6. Burdekin Shire Road Safety Advisory Committee Meeting Minutes - 28 May 2025

Executive Summary

This report provides the Minutes of the Burdekin Shire Road Safety Advisory Meeting held on 28 May 2025.

Recommendation

That Council receives and notes the minutes of the Burdekin Shire Road Safety Advisory Committee Meeting held on 28 May 2025.

Resolution

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

CARRIED

4.7. ICT Steering Committee Meeting Minutes -16 June 2025

Executive Summary

This report provides the Minutes of the ICT Steering Committee Meeting Minutes held on 16 June 2025.

Recommendation

Item Number 11 - General Business

Mr. Stewart raised a question about the committee's awareness of the ICT budget and suggested a budget overview to be presented at the next ICT Steering Committee Meeting.

That confirmation of quarterly meetings (proposed 90-minute meeting) will be arranged and sent out as calendar bookings in advance.

That:

1. the minutes of the ICT Steering Committee Meeting held on 16 June 025 be noted, and,
2. the recommendations as detailed in the minutes be noted.

Resolution

Moved Councillor Musumeci, seconded Councillor Detenon that the recommendation be adopted, noting the removal of Recommendation 2.

CARRIED

5. EXECUTIVE

5.1. CEO

5.1.1. Appointment of Acting Chief Executive Officer - 12 September to 21 September 2025

Executive Summary

The Chief Executive Officer (CEO) will be taking a period of annual leave from 12 September to 21 September 2025, returning to work on Monday 22 September 2025. During the absence of the CEO on annual leave the Council should appoint an Acting CEO. It is proposed that the Director Infrastructure, Planning and Environmental Services, Mr James Stewart, be appointed Acting CEO for this period.

Recommendation

That the Director Infrastructure, Planning and Environmental Services, Mr James Stewart, be appointed Acting CEO from 12 September to 21 September 2025 during the absence of the CEO on annual leave.

Resolution

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

CARRIED

5.1.2. Council Representation on the Burdekin Shire Youth Council - Councillors John Furnell and Fina Vasta

Executive Summary

The Burdekin Shire Youth Council (BSYC), established in 1994, is a youth-led group that gives young people in the district a voice on local issues and helps build a sense of community and connection with Council. It also helps members learn about Local Government and develop leadership skills. While BSYC meets monthly and shares minutes with Council, there is currently no formal Councillor representative appointed.

Recommendation

That Council support Councillors John Furnell and Fina Vasta as Council's representatives for the Burdekin Shire Youth Council.

Resolution

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

CARRIED

5.1.3. Council Representation on Burdekin Community Sector Network - Councillor John Furnell

Executive Summary

The Burdekin Community Sector Network was established in 2024 to improve communication between community sector organisations for the betterment of the community. As this group is newly established, there is currently no formal Councillor representative appointed.

Recommendation

That Council support Councillor John Furnell as Council's representative for the Burdekin Community Sector Network.

Resolution

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

CARRIED

9.31am - Mrs. Stockdale left the meeting.

5.1.4. Council Representation on Country Universities Centre Burdekin Working Group - Councillor Callan Oar

Executive Summary

The Country Universities Centre (CUC) Burdekin Working Group was established in late 2024 to assist in investigating the establishment of a Regional Study Hub under the Country Universities Centre Model within the Burdekin Shire. The Working Group has been established to collaborate on key areas such as strategic planning, partnerships, funding opportunities, and program development. There is currently no formal Councillor representative appointed to the Working Group.

Recommendation

That Council support Councillor Callan Oar as Council's representative for the Country Universities Centre Burdekin Working Group.

Resolution

Moved Councillor Furnell, seconded Councillor Vasta 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 SERVICES

6.3.1. Asset Disposal Policy

Executive Summary

The purpose of this policy is to provide unambiguous and transparent direction for the disposal of surplus or obsolete assets, having regard to the sound contracting principles in Section 104 of the *Local Government Act 2009* namely:

- a) Value for money; and
- b) Open and effective competition; and
- c) The development of competitive local business and industry; and
- d) Environmental protection; and
- e) Ethical behaviour and fair dealing.

Recommendation

That Council adopts the attached Asset Disposal Policy.

Resolution

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

CARRIED

6.3.2. QBSC/25/031 RFQ Jones Street Depot Cleaning

9.31am - Councillor Vasta left the meeting at the commencement of this discussion as she had a Declarable Conflict of Interest in relation to Item 6.3.2 - QBSC/25/031 RFQ Jones Street Depot Cleaning, due to her previous association with ELA Cleaners.

Executive Summary

A request for a quote for the Jones Street Depot contract cleaning QBSC/25/031 was issued after the Tender for cleaning of the Jones Street Depot TBSC/25/017 was considered not to be value for money.

The same pre-determined multi-factor assessment criteria used:

- Experience (20%)
- Resources (15%)
- Local Content (10%)
- Price (55%)

Recommendation

Council accepts the quote of \$47,854.00 (GST Exclusive) per annum from Sharman Property Services Pty. Ltd. trading as SPS Facilities for QBSC/25/031 RFQ Jones Street Depot Cleaning.

Resolution

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

Voting on the Motion

FOR - Councillors Detenon, Furnell, Musumeci, Dalle Cort

AGAINST - Councillor Oar

4/1

CARRIED

9.35am - Mr. Arboit left the meeting.

9.35am - Councillor Vasta re-entered the meeting.

6.4. GOVERNANCE

6.4.1. Nomination of Burdekin Show Public Holiday Date for 2026

Executive Summary

Council has received correspondence from the Office of Industrial Relations inviting Council to make nomination for a show or special holiday for 2026.

Recommendation

That Council makes application to the Office of Industrial Relations for the appointment of the following public holiday in 2026:

Wednesday 24 June 2026 – for the whole of the Burdekin Shire – Burdekin Annual Show Holiday.

Resolution

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

CARRIED

6.4.2. Trustee Lease - Lot 11 on Crown Plan GS1094, Cnr Torilla and Topton Streets (also known as 2 Dirrill Street), Alva - Volunteer Marine Rescue Burdekin Inc.

9.38am - Mrs. Galletta entered the meeting.

Executive Summary

Council approval is requested to enter into a Trustee Lease as follows:

Lessor: Burdekin Shire Council
Lessee: Volunteer Marine Rescue Burdekin Inc.
Leased Area: Lot 11 on Crown Plan GS1094
Term: Ten (10) Years, 1 September 2025 to 31 August 2035 (Nil Options)
Rent: \$0.10 per annum (if demanded)

Recommendation

That Council agrees in principle to enter into a Trustee Lease with Volunteer Marine Rescue Burdekin Inc, over Lot 11 on Crown Plan GS1094, as shown on Attachment 1, for a renewed term of ten (10) years being 1 September 2025 to 31 August 2035 (Nil Options) for uses consistent with air sea rescue purposes.

The Trustee Lease will be subject to the Prescribed Terms pursuant to the *Land Regulation 2020 (Qld)* and Council's Standard Tenure Terms for a Trustee lease.

Resolution

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

CARRIED

6.4.3. Amendment to Freehold Lease - Lease X on Survey Plan 353323, Part of Lot 106 on Registered Plan 898777, Ayr Aerodrome - Jesse Paul Gileppa

Executive Summary

This report seeks to amend a previous resolution of Council in relation to a Freehold Lease at the Ayr Aerodrome with Jesse Paul Gileppa.

At the Ordinary Council Meeting on 28 January 2025, Council resolved to enter into a Freehold Lease with Jesse Paul Gileppa over Part of Lot 106 on RP898777, Ayr Aerodrome, as Lease X on SP353323 for a five (5) year term, plus one (1) x five (5) year option, commencing on 1 March 2025.

On 27 June 2025 Mr. Gileppa requested to change the commencement date of the lease to 14 July 2025 due to delays in the finalisation of the lease terms. This would also amend the end date of the lease to 13 July 2030.

Recommendation

That Council amends the commencement date of the Freehold Lease with Jesse Paul Gileppa over Part of Lot 106 on RP898777, Ayr Aerodrome, as Lease X on SP353323 to 14 July 2025 and also amends the end date accordingly to 13 July 2030.

Resolution

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

CARRIED

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 - Boundary Realignment (2 Lots into 2 Lots) at 94 and 120 Oats Road, Fredericksfield (Lot 2 on RP708096 and Lot 7 on RP723518)

Executive Summary

Council is in receipt of an impact assessable reconfiguring a lot development application lodged by Brazier Motti on behalf of the applicant, G. P. Oats, seeking a Development Permit for Reconfiguring a Lot to realign the common boundary of two (2) lots located at 94 and 120 Oats Road, Fredericksfield, on land described as Lot 2 on RP708096 and Lot 7 on RP723518.

Recommendation

That Council approve the development application seeking a Development Permit for Reconfiguring a Lot – Boundary Realignment (Two (2) Lots into Two (2) Lots) at 94 and 120 Oats Road, Fredericksfield, on land described as Lot 2 on RP708096 and Lot 7 on RP723518, 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) 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.
2. Approved Plans and Documents <u>Approved Plans & 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.

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 BOUNDARY REALIGNMENT Lots 1 and 2 Cancelling Lot 2 on RP708096 and Lot 7 on RP723518	57251/001 B	9 April 2025
3. Survey Plan Endorsement 3.1 Lodge to Council, for approval, an application for Survey Plan Endorsement which includes: a) Payment of application fee in accordance with Council's fees and charges at the time of lodgement b) All survey marks in their correct position in accordance with the Survey Plan c) A compliance report demonstrating compliance with all associated Development Permit(s)		As part of the lodgement of survey plan for endorsement.
4. Payment of Rates, Charges and Expenses 4.1 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. 4.2 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.		Confirmation to be provided to Council prior to the release of the Plan of Survey.
Access and Roadworks		
5. Roadworks 5.1 The construction of any additional crossovers to give access to the land is the owner's responsibility. 5.2 An application must be made to and approved by Council before the construction of any additional access crossovers.		To provide appropriate access in accordance with relevant code/s and policy direction. At all times.

Condition	Reason	Timing
5.3 Approved crossovers must be constructed in accordance with requirements of the approval to the satisfaction of Council.		
Services and Infrastructure		
6. Stormwater 6.1 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. 6.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.	To ensure that stormwater does not adversely affect surrounding properties or properties downstream from the development.	At all times.
7. Confirmation of Existing Services 7.1 The existing services for each lot must be contained within the individual allotments. 7.2 In any instance where existing services are contained within another lot, either of the following applies: a) Relocate the services to comply with this requirement; or b) Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of the Plan of Survey creating the lot.	To ensure the development is appropriately serviced in accordance with relevant code/s and policy direction.	Written confirmation to be provided to Council prior to the release of the Plan of Survey.

Advice

1. Infrastructure Charges Not Applicable.
2. Compliance with Conditions Unless otherwise specified by these conditions, the conditions must be complied with prior to Council's endorsement of the Plan of Survey.
3. Limitation of Approval 3.1 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant.
3.2 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party, the applicant agrees to indemnity in respect of any claims arising.
4. Acid Sulfate Soils Should the presence of acid sulfate soils or potential acid sulfate soils be detected, an Acid Sulfate Soils Management Plan may be required to be prepared and submitted to Council for approval.
5. Amenity Impacts Use of the site is to be operated in a way that protects the values of the existing environment and will not cause unacceptable impacts on surrounding areas as a result of dust, odour, noise or lighting, in accordance with the <i>Environmental Protection Act 1994</i> .
6. Earthworks Earthworks are not approved as part of this Development Permit. If any earthworks are required and deemed assessable development, an operational works development application is to be lodged with Council for assessment in accordance with relevant code/s and policy direction.
7. Miscellaneous The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au . 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.

Resolution

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

CARRIED

7.3.2. Model Code for Community Housing in the Community Facilities Zone

Executive Summary

Through a partnership between the State Government and the Local Government Association of Queensland (LGAQ), the Model Code for Community housing in the Community facilities zone (Model Code) has been designed to assist local government in the facilitation and assessment of community housing in the Community facilities zone. The model code has been developed as an opt-in tool to support councils.

Recommendation

That Council resolve to not adopt the Model Code for Community Housing in the Community Facilities Zone (Model Code) prepared by the State Government, dated June 2025.

Resolution

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

CARRIED

9.46am - Mrs. Galletta left the meeting.

7.4. TECHNICAL SERVICES**7.5. WATER AND WASTEWATER****8. NOTICE OF MOTION****9. RECEIPT OF PETITIONS****10. CORRESPONDENCE FOR INFORMATION****10.1. Nominations for the Establishment of Regional Working Groups - Primary Industries Prosper 2050 Blueprint**

Mr. Magin called for Council to nominate a Council representative for the formation of a Local Government Working Group, as preparations commence for the co-design of the 5-year action plans in alignment with the Department of Primary Industries' (DPI) *Prosper 2050 blueprint*. Councillor Vasta nominated to be a Council representative for the Working Group.

Resolution

Moved Councillor Furnell, seconded Councillor Musumeci that Councillor Vasta represent Council in the Local Government Working Group for the co-design of the 5-year action plan as per DPI's *Prosper 2050 blueprint*.

CARRIED

11. COUNCILLOR REPORTS

12. GENERAL BUSINESS

12.1. Approved Leave of Absence - Councillor Dalle Cort - 24 September 2025 - 12 October 2025

Resolution

Moved Councillor Musumeci, seconded Councillor Detenon that Councillor Dalle Cort be granted Approved Leave of Absence from 24 September 2025 - 12 October 2025.

CARRIED

12.2. Request for Tender Process Discussions to be added to the Workshop Agenda

Councillor Furnell suggested that information regarding Council's current tender process be presented at a Council Workshop for the purpose of refining the process.

Mr. Magin stated that the Executive Leadership Group have held discussions on how to improve this process, and further discussions on this topic are scheduled to occur with VendorPanel and Local Buy. Mr. Magin agreed to include the item to a Workshop once this has occurred.

12.3. Project Control Group Meeting Update

Mr. Stewart gave an update on the Ayr Industrial Estate Project stating that works are being completed on the final tasks towards practical completion.

Mr. Stewart stated Council has received a response to its application for power at the Ayr Filtration Plant and the estimate returned remains under budget.

Mr. Magin updated Council that the two (2) vacant lots within the Ayr Industrial Estate have been surveyed to proceed through the Titles Registry in the near future producing two (2) contracts for purchase within the Estate.

12.4. Disaster Recovery Funding Arrangements (DRFA) Flood Damage Submission

Mr. Stewart stated that submissions have been successfully lodged for Disaster Recovery Funding Arrangements (DRFA) with Restoration of Essential Public Assets (REPA).

13. CLOSED BUSINESS ITEMS

14. DELEGATION

There being no further business the meeting closed at 10.01am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 22 July 2025.

MAYOR

4.2. MINUTES AND BUSINESS ARISING

Minutes for Community, Sporting & Cultural Advisory Group - 21 November 2024

File Reference: 2908
Report Author: Melissah Lammon, Community Development Support Officer
Authoriser: Glenn Arboit, Manager Community Services
Meeting Date: 22 July 2025

Purpose

This report provides the Minutes of the Community, Sporting & Cultural Advisory Group Meeting held on 21 November 2024.

Summary of recommendations and actions for consideration and adoption:

No recommendations to report.

Recommendation

That:

1. the minutes of the Community, Sporting & Cultural Advisory Group Meeting held on 21 November 2024 be noted.

Attachments

1. 1. Minutes - Community Sporting and Cultural Advisory Group Meeting - 21 November 2024 - Revised



Meeting Minutes

Meeting	Community, Sporting & Cultural Advisory Group Meeting		
Date	Thursday, 21 November 2024	Time	3:30 PM
Attendees	Cr. John Furnell – Burdekin Shire Council Cr. Max Musumeci – Burdekin Shire Council Debbie Calligaro Luisa Delle Baite Shalon Gibson Christian Jacobie Uli Liessmann Bronwyn Nucifora Laney Lando – Deputy Youth Mayor Glenn Arboit – Burdekin Shire Council Troy Everett – Burdekin Shire Council Lois Huston – Burdekin Shire Council Melissah Lammon – Burdekin Shire Council		
Apologies	Amy Cranitch, Eddie Jones		
Chairperson	Glenn Arboit		
Minutes Clerk	Melissah Lammon		
Location	Ernie Ford Board Room		

1. Welcome & Introductions

Mr Arboit welcomed everyone to the meeting and explained the background of the previous Community & Cultural Development Advisory group. All members introduced themselves and outlined their reason for joining the group.

2. Overview of Charter

Mr Arboit discussed the following topics as outlined in the Community, Sporting and Cultural Advisory Group Charter:

- Authority
- Role
- Meetings & Attendance
- Tenure
- Making Recommendations
- Conflicts of Interest and Ethical Practices
- Confidentiality & Communication
- Rules of Engagement

For a full view of the presentation, please refer to the attached presentation.



Mr Arboit provided a quick overview of Burdekin Shire Council's existing plans and strategies including Arts & Cultural Strategy 2021-2030, Sport & Recreation Plan 2018-2028, Library Strategy 2020-2025 and Showgrounds Masterplan.

Mr Arboit discussed the proposed future meeting dates and times and confirmed they were suitable for all group members.

3. Election of Chairperson

Mr Arboit explained the role of the Chairperson for this group, noting that the Chairperson would be fully supported by Council. Each member was asked to consider themselves for the role or alternatively nominate someone who they consider to be suitable. It was agreed that the Chairperson will be decided at the next meeting.

4. Section overview

Community Development – Community Services Manager, Glenn Arboit

Mr Arboit spoke about the role of the Community Development Section which includes:

- Community Grants Program
- Mental Health Initiatives and projects
- Christmas Carols
- Australia Day Awards
- Youth Council
- Community Connect/Capacity Building

Cultural Venues Manager, Troy Everett

Mr Everett spoke about the role of Cultural Venues which includes a variety of performances, functions and events.

Mr Everett noted that in 2024 to date, there have been 122 events across the venues including:

- 60 - Burdekin Theatre shows and events
- 28 - Burdekin Memorial Hall events
- 25 - Ayr Showgrounds events
- 9 - Outdoor events

There have been 12,000 ticket sales to date via the Burdekin Theatre Box Office.

Mr Everett also noted that the Cultural Venues team provides technical support to the Council's Community Development team for a range of community events.

Mr Everett provided a high-level overview of the Arts & Cultural Strategy 2021-2030. A copy of the Arts & Cultural Strategy will be emailed to all members for review including a link to My Community Directory to inform of services and events occurring in the Burdekin.

Mr Liessmann raised that there is no museum for local history in the Burdekin. Mr Arboit advised that there will be opportunity for such discussions as we review the Arts & Cultural Strategy at a future meeting.



Burdekin Library – Manager, Lois Huston

Ms Huston spoke about the wide variety of services and information available at Burdekin Libraries, noting that there is more than just books. Ms Huston noted that Council is currently recruiting for a full-time Community and Digital Programs Officer.

Ms Huston advised there will be a children and adult writing competition in conjunction with the 2025 Sweet Days Hot Nights Festival featuring Matthew Reilly (Internationally Bestselling Australian Author) as guest judge of the adult competition.

Ms Huston noted that there is a wide range of historical information held at the Burdekin Library and that she is keen to investigate options to preserve and digitize materials.

Ms Huston provided a brief overview of the Burdekin Library Strategic Plan 2020 – 2025 noting that it currently due for review.

Since joining the Burdekin Library in 2024 she has been committed to continuous improvement and hopes to install a Radio Frequency Identification System, i.e., an electronic book tagging system which she has previously implemented which would keep library users more accountable.

Youth Council Representative Laney Lando noted that the Burdekin Library website is quite difficult to navigate and asked if there were plans to make it more user friendly. Miss Lando suggested an app for the Library. Ms Huston advised there will be an overhaul of the Library website in 2025.

Mr Liessmann enquired about the possibility of having a mobile library to service the small communities in the Burdekin. Ms Huston advised that a Mobile Library would be worthwhile however would need to be investigated. Mr Arboit suggested this could be considered during review of the Library Strategic Plan.

5. General Business

Each member of the group was asked to identify their main priority and state what they would like to achieve from this group. The following priorities were identified:

- Work together, network and build relationships between community groups, clubs and Council
- Build awareness in the community about upcoming events and what is happening in the community
- Opportunities for more cultural projects within the community

6. Next Meeting – Thursday, 13 February 2025

Mr Arboit proposed that the Arts & Cultural Strategy be reviewed at the next meeting. Other ideas for future meetings include brainstorming ideas for capacity building workshops where we invite a guest speaker to discuss topics beneficial for our community, cultural and sporting groups. Volunteer retention was mentioned as a popular topic of interest.

There being no further business, the meeting closed at 5.02pm.



Action Items from Meeting

	Action Item	Responsible Officer	Due Date	Status
	Email link to My Community Directory to all CSCAG members	Melissah Lammon	22 November 2024	COMPLETED – emailed to group members 22.11.24
	Email a copy of the Arts & Cultural Strategy 2021-2030 to all CSCAG members	Melissah Lammon	22 November 2024	COMPLETED – emailed to group members 22.11.24
	Review Burdekin Shire Council's Arts & Cultural Strategy 2021-2030 prior to next meeting	ALL	13 February 2025	

Recommendations for Council Consideration

	Recommendation	Minutes Item No
	NIL	

4.3. MINUTES AND BUSINESS ARISING

Fleet Management Steering Committee Minutes - 30 June 2025

File Reference: 395
Report Author: Genevieve Smith, Operations Administrative Support Officer
Authoriser: James Stewart, Director Infrastructure Planning and Environmental Services
Meeting Date: 22 July 2025

Purpose

This report provides the Minutes of the Fleet Management Steering Committee held 30 June 2025.

Summary of recommendations and actions for consideration and adoption:

No recommendations to report.

Recommendation

That:

1. the minutes of the Fleet Management Steering Committee be noted.

Attachments

1. Fleet Management Steering Committee - Minutes 30 June 2025

Meeting Minutes

Meeting	Fleet Management Steering Committee		
Date	Monday, 30 June 2025	Time	9:00 AM
Attendees	Matthew Magin, James Stewart, Kim Olsen, Kevin Byers, Kevin Holt, Jenny Manganaro, Helen Swinney, Pierina Dalle Cort, Max Musumeci		
Apologies	Callan Oar, John Furnell		
Chairperson	Matthew Magin		
Minutes Clerk	Genevieve Smith		
Location	Ernie Ford Boardroom		

Standing Items

1. Welcome – The meeting was opened by the Chair with a welcome to attendees.
2. Apologies – Callan Oar, John Furnell
3. Previous Minutes – Accepted and adopted.

Agenda Items

1. Action Items

Review usage and future of spreader trucks; consult depot team.

- Spreader units identified as underutilised.
- Meeting held with relevant staff concluded:
 - Reduce spreader units from 4 to 2.
 - Remaining 2 units sufficient for current reseal and maintenance needs.
 - Discussion ongoing regarding potential design-and-construct reseal approach with external contractors (e.g. Fulton Hogan).
 - Consideration of recycled tyre use in future bitumen seals.
 - Weedmaster Disposal – Yet to be auctioned. Plan is to group asset disposals for efficiency.

Ensure Policy and planning documents (e.g. vehicle policy, asset renewal plans) are circulated before the next meeting.

- Vehicle policy to be discussed.
- Asset renewal plans circulated.

Telematics System (Teletrac vs. Geotab)

- Geotab presentation offered for comparison.
- May provide better diagnostics and reporting.
- Suggested key staff (e.g. James, Kevin B and Kevin H) assess before wider committee involvement.
- Concerns raised over moving from owned to subscription model.

2. Vehicle Policy

- No wording changes. Policy date updated only.
- Discussed introducing novated lease option for managers and directors.
 - Could reduce Council's capital and maintenance costs.
 - Further financial analysis and workshop with Council required.

3. General Business

Bobcat / Backhoe Review

- Current bobcat underutilised; operator reassigned.
- Proposal:
 - Replace one backhoe with upgraded tracked bobcat and 5-tonne excavator.
 - Allows use of milling, sweeping attachments and greater versatility.
 - Business case to be developed.

Workforce / Skills Gap

- Ongoing challenge with retaining skilled staff due to mining sector competition.
- Noted wage disparity and the need to train new employees.

Navman System Review

- Reviewed swipe on/off functionality.
- Determined not cost-effective at this stage.

Procurement and Budget Planning

- Fleet replacement decisions should be supported by utilisation and business case data.
- Emphasis on fit-for-purpose assets and avoiding over-purchasing.
- Noted need to revisit water truck design and tank materials.

Meeting Frequency

- Proposal to meet monthly for the first quarter, then consider bi-monthly meeting.

Next Meeting

30 July 2025 – 8:00am

Actions from Previous Meeting

	Action Item	Responsible Officer	Due Date	Status
	Review usage and future of spreader trucks; consult depot team.	Kevin Byers	23 June 2025	Completed
	Action Item	Responsible Officer	Due Date	Status
	Ensure policy and planning documents (e.g. vehicle policy, asset renewal plans) are circulated before the next meeting.	James Stewart	23 June 2025	Completed
	Suggestion to engage Navman rep for training and optimisation.	Kevin Holt		
	Action Item	Responsible Officer	Due Date	Status

Actions from Current Meeting

	Action Item	Responsible Officer	Due Date	Status
	Vehicle Policy to be formally adopted at Council Meeting	James Stewart	22 July 2025	In progress

	Telematics System (Teletrac vs Geotab) – Key staff (e.g. James, Kevin B and Kevin H) assess and present business case to wider committee	James Stewart / Kevin Byers / Kevin Holt	TBA	
	Bobcat and Backhoe Review – present business case to wider committee	James Stewart / Kevin Byers / Kevin Holt	TBA	

4.4. MINUTES AND BUSINESS ARISING

Asset Management Steering Committee Minutes - 30 June 2025

File Reference: 395
Report Author: Genevieve Smith, Operations Administrative Support Officer
Authoriser: James Stewart, Director Infrastructure Planning and Environmental Services
Meeting Date: 22 July 2025

Purpose

This report provides the Minutes of the Asset Management Steering Committee held 30 June 2025.

Summary of recommendations and actions for consideration and adoption:

No recommendations to report.

Recommendation

That:

1. the minutes of the Asset Management Steering Committee be noted.

Attachments

1. Asset Management Steering Committee - Minutes 30 June 2025

Meeting Minutes

Meeting	Asset Management Steering Committee		
Date	30 June 2025	Time	8:00am
Invited	Matthew Magin, James Stewart, Kim Olsen, Kevin Byers, Julie Moustoukas, Helen Swinney, Pierina Dalle Cort, Max Musumeci		
Apologies	Callan Oar, Jenny Manganaro, John Furnell		
Chairperson	Matthew Magin		
Minutes Clerk	Genevieve Smith		
Location	Ernie Ford Boardroom		

Standing Items

Welcome – The meeting was opened by the Chair with a welcome to attendees.

Apologies – Callan Oar, Jenny Manganaro, John Furnell

Previous Minutes – Accepted and adopted.

Agenda Items

1. Action Items

- Final Asset Management Plan and valuation report was distributed prior to workshop.

2. Asset and Service Management Policy

- Policy name to revert from “Asset and Service Management” to “Asset Management” for clarity and alignment with current terminology.
- Next review scheduled for three years, consistent with previous review cycles.
- No other material changes to the policy document.
- The committee discussed whether to include the Asset Consumption Ratio (ACR) within the policy. ACR is increasingly being referenced by the Queensland Audit Office (QAO) as a key performance indicator and is used to assess how much of the asset base has been consumed.
- It was agreed that while ACR is important, embedding it within the policy could pose issues due to the changing nature of sustainability ratio benchmarks. Including it would necessitate regular policy updates in response to external changes.
- The preferred approach is to acknowledge ACR in associated documents like the Asset Management Plans and Community Financial Report, with narrative explanations provided if results fall outside target ranges.
- This approach demonstrates awareness and monitoring of ACR without locking the policy to specific, potentially changeable measures.
- The policy will now proceed to Council for formal adoption with the amended title.

3. General Business

- **Improvement Plan Tracking:** Plan to prioritise actions from the Asset Management Plan in next meeting.

- **Capitalisation Update:** ~\$6M capitalised last week; targeting \$11M including local assets. Remaining WIP ~ \$4M.
- **Flood Restoration:** Unsealed roads completed; sealed roads ~60–70% complete. Total estimated claims ~\$20M.
- **Buildings / Facilities Integration:**
 - Transition to proactive inspection program underway.
 - Keith and Dennis inspecting buildings; photos and defects logged.
 - Field App rollout in 4–6 weeks.
 - Need clarity on responsibilities (e.g., sewer infrastructure vs. buildings).
 - Training required for facilities team to manage costs in TechOne.
- **LRCIP Update:** Extension granted until July for Thompson Road works.
- **Purchasing Reminders:** Accrue purchases and update purchase cards.

Next Meeting: 15 September 2025, 8:00am

Actions from Previous Meeting – N/A

	Action Item	Responsible Officer	Due Date	Status
	Final AMP and valuation report to be distributed to committee members by Friday (ahead of Council Workshop and Audit Committee review).	Kevin Byers	30 May 2025	Completed
	Action Item	Responsible Officer	Due Date	Status
	Action Item	Responsible Officer	Due Date	Status

Actions from Current Meeting

	Action Item	Responsible Officer	Due Date	Status
	Asset Management Policy to be formally adopted at Council Meeting	James Stewart	22 July 2025	In Progress
	Meeting to be rescheduled bi-monthly	Genevieve Smith	07 July 2025	In Progress
	Facilities Management Team to have a broader overview of requirements for integration of new structure as of 01 July 2025	James Stewart	01 July 2025	Meeting Scheduled

5.1.1. CEO Social Media Policy

File Reference: 430

Report Author: Marina Power, Media and Communications Officer

Authoriser: Matthew Magin, Chief Executive Officer

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

- Promote the benefits of living, working, playing, visiting, and investing in the Burdekin.
- Communicate our story and recognise the achievements of our community members.

Burdekin Shire Council Operational Plan 2024-2025

CG5 Manage Council's Corporate Policy Program.

Executive Summary

Council's Social Media Policy sets out the standards of behaviour expected in relation to professional use of social media platforms on behalf of Council and personal use of social media by Council employees and Elected Members. The policy addresses the key risk areas associated with the use of social media including reputational risks (both positive and negative), legislative compliance risks (information and privacy) and more generally, the risks associated with the overall management of a range of social media platforms (access, content creation, permissions, administration). The policy has been reviewed and amended in accordance with the agreed review schedule and is now presented to Council for readoption.

Recommendation

That Council adopts the updated Social Media Policy as attached to this report.

Background

Digital communication continues to play a vital role in how Council engages with the community. Social media and other online platforms offer valuable opportunities to inform, connect, and respond in real time. However, without clear guidance, their use can pose risks to productivity, privacy, and Council's reputation. To ensure responsible and consistent communication, it is essential that Council policies remain up to date and reflect current expectations for employees and elected members. Council's Social Media Policy aims to address the risks of excessive use of social media during work hours that may lead to decreased productivity. Likewise, the inappropriate use of social media, either by employees, or elected members, can reflect poorly on the organisation and its culture and may damage the overall reputation of Council, its employees or the Elected Members. Council's policy outlines the expectations for employees and elected members to ensure professional behaviour online.

Consultation

This policy was reviewed by the Chief Executive Officer and Media and Communications Officer. The Policy was discussed at a Council Workshop on 15 July 2025.

Budget & Resource Implications

There are no additional budget or resource implication associated with the adoption of this policy.

Legal Authority & Implications

Not Applicable.

Policy Implications

This policy will replace the previous Social Media Policy adopted in 2023 and will be updated on Council's website and policy register.

Risk Implications (Strategic, Operational, Project Risks)

The Social Media Policy aims to address many of the risks associated with the use of social media by Council. The positive risk of increased communication, transparency and trust is actively pursued through the effective use of social media. The negative risks of reputational damage, decreased productivity, misinformation, and non-compliance with privacy legislation are all addressed by this policy.

Attachments

1. Social Media Policy

Policy Type	Corporate
Function	Community Relations
Policy Owner	Chief Executive Officer
Policy Contact	Media and Communications Officer
Effective Date	26 April 2023

Purpose

This policy sets out the standards of behaviour expected in relation to professional use of social media platforms on behalf of Burdekin Shire Council ("Council"), and personal use of social media by Council employees and Elected Members. The policy also outlines various legal considerations relating to the various social media platforms in use.

Scope

This policy applies to all employees of Council and Elected Members who use social media platforms either professionally or privately.

Objectives

The objectives of this policy are to:

- develop a culture of openness, trust and integrity in Council through appropriate use of social media tools;
- provide direction on the responsibilities and expectations for:
 - the professional use of social media on behalf of Council; and
 - the personal use of social media by Council employees and Elected Members.

Policy Statement

Council employs various social media platforms to provide information on Council initiatives, public notices, activities, facilities, services, events and programs. Social media is considered an important tool for Council to actively engage with our community and provides a platform for active discussion and the exchange of ideas, promoting the Burdekin as a vibrant place to live, work, play, visit and invest.

Council also acknowledges the increasing uptake of the use of social media platforms by employees and Elected Members for both professional and personal use.

Professional Use of Social Media

Council's Social Media Editors will have access to select social media accounts as set out in the *Social Media Better Practice Guideline*.

Social Media Editors are responsible for publishing to the social media accounts on behalf of Council and have authorisation to respond on behalf of Council to comments and feedback posted on corporate social media pages.

Primary Responsibility for Council Social Media

The Media and Communications Officer is generally responsible for all Council social media accounts across all platforms.

Council may utilise third-party social media management tools (e.g. Meta Business Suite, Hootsuite) to support consistent scheduling, monitoring, and recordkeeping across platforms.

Social Media Administrators

The Media and Communications Officer and Information and Communications Technology Coordinator reserve the right to remain an administrator of any accounts created to ensure risk management measures (including centralised storage of master passwords for each site) to protect Council's reputation are satisfied.

Creation of Council-owned Social Media Accounts

Social media accounts may be created with approval from the CEO (or delegate) in liaison with the Media and Communications Officer.

The Information and Communications Technology Coordinator in consultation with the Media and Communications Officer will be responsible for creating the relevant account.

Access to Council's Social Media Accounts

Employees may not have access to Council's social media accounts and comment on behalf of Council unless they are authorised by the CEO in liaison with the Media and Communications Officer.

Access will be based upon the duties of each position with relevant officers only having access to relevant platforms, in accordance with the *Social Media Better Practice Guideline*.

Access to Council's social media accounts will be arranged by the Media and Communications Officer and Information and Communications Technology Coordinator.

Ceasing Employment

Where an employee ceases employment with Council, access to Council's social media accounts will be removed within two business days of the relevant employee's last day of employment. The removal of access will be carried out by the Media and Communications Officer except in the instance where the Media and Communications Officer is unable to do so or ceases employment with Council, in which case the removal of access will be carried out by the Information and Communications Technology Coordinator.

General Use of Social Media

Once authorised to comment on behalf of Council the following guidelines must be adhered to:

- only publish content that is classified as public information;
- all content posted is accurate and has been approved by the CEO, a director, a manager, or the Media and Communications Officer;
- content must not disclose personal, confidential, private or legal information;
- content is to be posted to the most relevant account (Council, Theatre etc) and platform (website, Facebook, Instagram etc) and undue duplication across Council-managed accounts should be limited;
- major announcements will only be made by the Media and Communications Officer or by other officers as directed by the CEO;
- comments will be respectful of the community and portray the Council in a positive way;
- the majority of posts and links will be Council-related and connected to a core service of Council, however public interest posts and links can be shared on Council platforms;
- all content will be impartial, apolitical and will not promote Elected Members or specific projects and announcements that have not received approval from Council;
- users must adhere to the terms of use and guidance associated with the relevant social media platform/website. See also Legal Considerations; and
- where possible, social media posts should refer to the equivalent information on Council's website.

- Content generated using artificial intelligence (AI) tools must be reviewed by the Media and Communications Officer to ensure accuracy, transparency, and alignment with Council's communication standards.

Comments and Replies

Comments that are posted by members of the public on Council's social media pages can be of a positive, negative, or neutral nature.

Council understands the expectation of immediacy in relation to response times to comment made through social media platforms, however, acknowledges that it is impractical to monitor all social media accounts on a 24 hour basis.

Council's Social Media Editors will be responsible for monitoring comments or posts on Council's social media platforms. Comments that ask a question about Council, or a matter related to Council, should be acknowledged within four hours during standard business hours of 8am-5pm. Depending on the nature of the matter, a response should be coordinated with the relevant Council department and delivered as soon as practicably possible. Where a matter is of a sensitive, private, or confidential nature, the Media and Communications Officer has the discretion to hide the post and/or continue the conversation 'offline'.

Comments received outside of normal business hours will be responded to on the following business day where possible.

During times of disaster or emergency situations, Council will endeavour to respond to comments or questions posed via social media platforms outside of office hours.

When assessing comments, the following guidelines must be adhered to:

- comments by the public will be hidden at the discretion of the CEO or the Social Media Editors if they are deemed to be offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, mentions a person by name, infringes copyright, constitutes a contempt of court, breaches a court suppression order or is otherwise unlawful. Other comments that may potentially jeopardise Council's financial, legal, or operational capacity will be hidden at the discretion of the CEO or Social Media Editors.
- comments or posts that are not Council-related and not deemed to be a public record can be removed. This includes promotion of commercial services, products, or entities.
- any post or comment deemed offensive, but which is classified as a public record under the Crime and Corruption Commission and Queensland State Archives guidelines must be hidden, and not deleted, for the satisfactory management of Council records.

All messaging during disaster events must align with the Burdekin Shire Council Disaster Management Plan. Only authorised officers, such as the Local Disaster Coordinator, CEO, or Media and Communications Officer, may post updates or responses related to the emergency.

Caretaker Period

In accordance with section 90D of the *Local Government Act 2009* (Qld), during the Caretaker Period, Council-owned social media accounts including, but not limited to Facebook, Twitter, LinkedIn, Instagram, and YouTube, will not contain any material that could be construed or interpreted as election material.

Personal Use of Social Media

Personal use of social media during work hours will not be permitted. Employees will only be permitted to access social media during work hours for work purposes with approval from management (eg. to access

posts on private pages that make reference to Council or Council activities). Access will be kept brief and must relate to a Council matter or Council business.

Employees will be allowed to access social media during morning tea and lunch breaks using their own devices.

Posting about Council on social media by employees is permitted but care must be taken to minimise the potential damage to be caused (directly or indirectly) to Council's reputation.

When using social media for personal use by employees, the following guidelines must be adhered to with respect to Council information:

- only disclose or discuss publicly available Council information;
- ensure all content is accurate and complies with all relevant Council policies;
- do not imply that you are authorised to speak as a representative of Council or give the impression that the views expressed are those of Council;
- do not use a Council email address or any Council logos or insignia;
- do not use the identity or likeness of another employee, contractor or member of Council;
- do not make comments, use location-based services (e.g. check-in) or post any material that might otherwise cause damage to Council's reputation.

Elected Members who maintain personal or community-facing social media pages must clearly indicate that these are not official Council platforms. Elected Members are responsible for the moderation and management of such pages in accordance with relevant legislation and defamation laws.

Legal Considerations

General advice is provided to assist employees in complying with obligations set out in this policy. When in doubt, employees are encouraged to seek further guidance or clarifications from the CEO, the Senior Governance Officer or the Media and Communications Officer or refer to the *Burdekin Shire Council Code of Conduct for Workers*.

The *Information Privacy Act 2009* contains rules, or privacy principles, that govern how Queensland Government agencies collect, store, use and disclose personal information. The *Public Records Act 2002* ensures public records are made, managed, kept and, if appropriate, preserved in a useable form for the benefit of present and future generations, with public access under the Act consistent with the principles of the *Right to Information Act 2009* and *Information Privacy Act 2009*. Social media posts are public records and should be hidden where inappropriate or irrelevant, not deleted. Posts on social media containing election material must comply with the *Local Government Electoral Act 2011* if posted during an election period, regardless of whether they are posted on a personal or official social media platform.

Privacy, Confidentiality, and Information Security

Employees should only use personal information obtained in the course of their employment or engagement with Council in a manner consistent with the *Burdekin Shire Council Code of Conduct for Workers* and the *Information Privacy Act 2009*.

Employees must not publish or report on conversations or information that is deemed confidential or classified or deals with matters that are internal in nature.

Use of Photographs

Photographs Taken by Council

Council respects the privacy of individuals and is committed to ensuring that any images published to our social media platforms comply with requirements of the *Information Privacy Act 2009*.

Council will provide a 'collection notice' before or during any community event advising that photos may be taken during an event and used on Council's website or social media platforms. The collection notice may be displayed on Council's website (with promotional material for the event), on the program agenda, on the ticket or receipt, on registration forms or on a sign placed in a visible location at the event itself. The collection notice is intended to make the public generally aware that they may be photographed during an event and that these photos may be published to Council's social media platforms.

Where individuals or groups are photographed face on, where practical, they will be verbally asked to provide permission to be photographed, and to allow Council to use and publish the image/s.

Council will not publish any image of a person where that person has expressly asked for their photograph not to be published. Likewise in instances where a person makes a request to have an image of them or their child or ward removed from Council's social media sites, Council will do so immediately.

Photographs Supplied to Council

Where a photograph is supplied to Council from a third party, Council will endeavour to ensure that written permission has been granted for the photo to be provided to Council and published to Council's website or social media platforms.

Photos submitted to Council for photograph competitions are subject to the terms and conditions of those competitions.

Photographs as Part of Paid Campaigns or at Private Events

Where individuals or groups are photographed as part of a paid campaign, for commercial purposes or at private events, they will be asked to sign a written consent form providing permission to be photographed and to allow Council to use and publish the image/s.

Copyright

Social Media Editors will respect copyright laws and attribute work to the original author/source wherever possible.

Online Conduct of Council Officials

Online activities of Council Officials, including social media posts and comments, are subject to conditions of any relevant Code of Conduct, Council Policy, or Operational Standard.

Abusive, harassing, threatening or defamatory postings are in breach of Council's behavioural expectations and may result in disciplinary action being taken.

Workplace bullying and harassment includes any bullying or harassing comments employees make online, including on their own private social networks and when out of office hours.

Breach of Policy

Any breach of this policy may result in disciplinary action under Council's Code of Conduct for Workers or relevant industrial instruments. This includes inappropriate use of Council social media accounts, posting unauthorised content, or engaging in conduct that damages Council's reputation.

Defamation

Refrain from posting material that may cause damage to another person, organisation, association, or company's reputation and seek further guidance from the Media and Communications Officer if publication of such material is thought to be necessary.

Contempt of Court

Exercise care if referring to pending court proceedings (related to Council) to avoid posting material that may prejudice those proceedings, in particular material that will be part of the evidence in those proceedings.

Employees should make enquiries as to any applicable court suppression orders prior to commenting on any court proceeding (whether past or pending).

Exceptions

Nil.

Risk Management

Effective adherence to the outlined Social Media Policy will ensure Council's brand across social media is clear, and negative or detrimental comments are addressed appropriately to minimise reputational risk. Council's Operational and Strategic Risk Register provides a detailed classification of risks and controls associated with media and communications.

Legislation

Anti-Discrimination Act 1991

Information Privacy Act 2009

Local Government Electoral Act 2011

Public Records Act 2002

Right to Information Act 2009

Work, Health and Safety Act 2011

Definitions and Abbreviations

Confidential Information	includes but is not limited to trade secrets of Council; non-public information about the organisation and affairs of Council such as: pricing information including internal cost and pricing rates, production scheduling software, special supply information; marketing or strategy plans; exclusive supply agreements or arrangements; commercial and business plans; contractual arrangements with third parties; tender policies and arrangements; financial information and data; training materials; technical data; schematics; proposals and intentions; designs; policies and procedure documents; concepts not reduced to material form; information which is personal information for the purpose of privacy law; and all other information obtained from Council or obtained in the course of working or providing services to Council that is by its nature confidential.
Council Official	includes employees, Councillors, agents, and contractors (including temporary contractors), administrators appointed under section 124 of the <i>Local Government Act 2009 (QLD)</i> , members of council committees, conduct reviewers, delegates of council, work experience employees and volunteers of the Council.
Employee	includes a direct employee of Council whether employed on a permanent, temporary, full-time, part-time or job share basis.

Person	includes any natural person, company, partnership, association, trust, business, or other organisation or entity of any description and a person's legal personal representative(s), successors, assigns or substitutes.
Social Media Accounts	refers to the individual account or page created on a social media platform.
Social Media Editors	includes Media and Communications Officer and other delegated officers, as set out in the Social Media Better Practice Guideline.
Social Networking Site and Social Media Platform	are umbrella terms covering websites, online platforms, technology, applications, or tools that enable active and participatory publishing and interactions between individuals over the internet. These include but are not limited to Facebook, Instagram, Twitter, YouTube, LinkedIn, Pinterest, Reddit, Flickr, and similar sites.

Related Documents

Reference Number	Document Title
ECM 1068863	Burdekin Shire Council Code of Conduct for Workers
HRS-POL-0001	Bullying, Anti-Discrimination and Sexual Harassment Policy
ICT-OSD-0009	Mobile Phone Usage Operational Standard
MED-GDE-0001	Social Media Better Practice Guideline
MED-FRM-0001	Media Consent Form
GOV-POL-0024	Working with Children Policy

Document History and Version Control

Title of Document	Social Media Policy
Document Reference Number	MED-POL-0004 Rev 3
Review Schedule	24 months
Council Meeting Date	26 April 2023
Council Resolution Number	1749073

5.1.2. CEO Council Workshops - June 2025

File Reference: 394

Report Author: Rosie McLean, Executive Assistant

Authoriser: Matthew Magin, Chief Executive Officer

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

- Demonstrate open and transparent decision-making, leadership and financial management.
-

Executive Summary

In line with agreed arrangements for Council Meetings and workshops, two (2) general workshops were conducted during June on 3 and 17 June 2025. An additional one (1) workshop was conducted following the Council Meeting on 24 June 2025.

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

Recommendation

That the report on the Council Workshops held on 3, 17 and 24 June 2025 be received and noted.

Background

Council has adopted governance arrangements based on holding Council meetings on a fortnightly basis each month, except in December and January each year, where only one (1) meeting is held in each month. Similar arrangements apply to the conduct of general workshops which are held on the alternative week to Council meetings.

In line with these arrangements, general workshops were conducted on 3 and 17 June 2025. An additional workshop also held on 24 June 2025.

A broad range of policy and operational issues were discussed at the workshops along with presentations by external parties. A summary of the issues discussed is outlined below:

3 June 2025

- Councillor Representation on Committees
- Damage to Grave - Home Hill Cemetery
- Home Hill Court House Lease
- Report on Pre-Qualified Suppliers
 - TBSC/25/007 – Supply and delivery of Herbicide
 - TBSC/25/008 – Supply and delivery of Bulk Sodium Hypochlorite
 - TBSC/25/009 – Supply and delivery of Stone Products
 - TBSC/25/010 – Supply and delivery of Ready Mix
- Code of Competitive Conduct
- Ayr Industrial Estate Tender - TBSC/25/013 – Electrical Conduits
- Cleaning Tender Recommendation - *Councillor Vasta declared a conflict of interest and left the meeting for this discussion.*
- CBD Parking Amendment - Request from Burdekin Motors Group
- Strategic Asset Management Plan

- Proposed Boundary Realignment - RAL24/0009
- Ayr Industrial Estate Land Release and Update on Sales

17 June 2025

- Revised Organisational Structure
- Quarry Activity - *Councillor Hall declared a conflict of interest and left the meeting for this discussion.*
- Queensland Government Safer Communities Fund
- Giru Helipad Report and Recommendation
- Bureau of Meteorology Flood Warning Infrastructure Network
- Queensland Government Residential Activation Fund
- Ayr Water Tower - Queensland Police Service Lease
- Queensland Music Festival and Queensland Music Trail Opportunity
- Gudjuda Reference Group Aboriginal Corporation
- Home Hill Golf Club
- Damage to Grave - Home Hill Cemetery

24 June 2025 (following the Ordinary Council Meeting)

- PFAS Modelling Updates
- South Ayr Water Filtration Plant Project Consultancy Works

Consultation

Consultation was undertaken with various parties in the presentation of workshop items.

Budget & Resource Implications

Not Applicable.

Legal Authority & Implications

Not Applicable.

Policy Implications

Any policy proposals or approvals are subsequently referred to a Council Meeting via a report for consideration and if approved, formal adoption.

Risk Implications (Strategic, Operational, Project Risks)

Strategic Risk due to possible damage if policies or major initiatives are not effectively developed with input and support from Councillors.

Attachments

None

5.1.3. CEO

Council Representation on Burdekin Domestic and Family Abuse Prevention Network - Councillor Fina Vasta

File Reference: 400

Report Author: Rosemarie McLean, Executive Secretary

Authoriser: Matthew Magin, Chief Executive Officer

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

- Provide ongoing support for art, culture, youth, seniors, and welfare activities.
- Undertake meaningful community engagement, through Community Advisory Groups and other engagement methods to encourage diverse community participation and feedback.

Executive Summary

The Burdekin Domestic and Family Abuse Prevention Network was established to provide a proactive and preventative intervention against domestic and family abuse.

While the Burdekin Domestic and Family Abuse Prevention Network meets monthly, there is currently no formal Councillor representative appointed.

Recommendation

That Council support Councillor Fina Vasta as Council's representatives for the Burdekin Domestic and Family Abuse Prevention Network.

Background

The Burdekin Domestic and Family Abuse Prevention Network exists to provide a proactive and preventative response to domestic and family abuse by focusing on collaboration, education, and systemic change. Over time, its priorities will include facilitating information sharing, raising community awareness, coordinating specialist training, and supporting stakeholders with guidance and advocacy. The Network will also deliver community projects, analyse emerging trends, and push for policy reform.

The Burdekin Domestic and Family Abuse Prevention Network's membership consists of representatives from Burdekin Shire place based and outreach human services, as well as Local, State and Federal Governments. Appointing a Councillor representative to the Burdekin Domestic and Family Abuse Prevention Network will strengthen the connection between the Council and highlight Council's commitment to domestic and family violence prevention.

Consultation

All Councillors, Chief Executive Officer, Director of Corporate and Community Services and Manager of Community Services.

Budget & Resource Implications

Not Applicable.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

Not Applicable.

Attachments

None

6.3.1. FINANCIAL SERVICES

Monthly Financial Report - June 2025

Recommendation

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

Attachments

1. Monthly Financial Report - June 2025
2. 2024-2025 Capital PCG June 25 Council (Confidential)

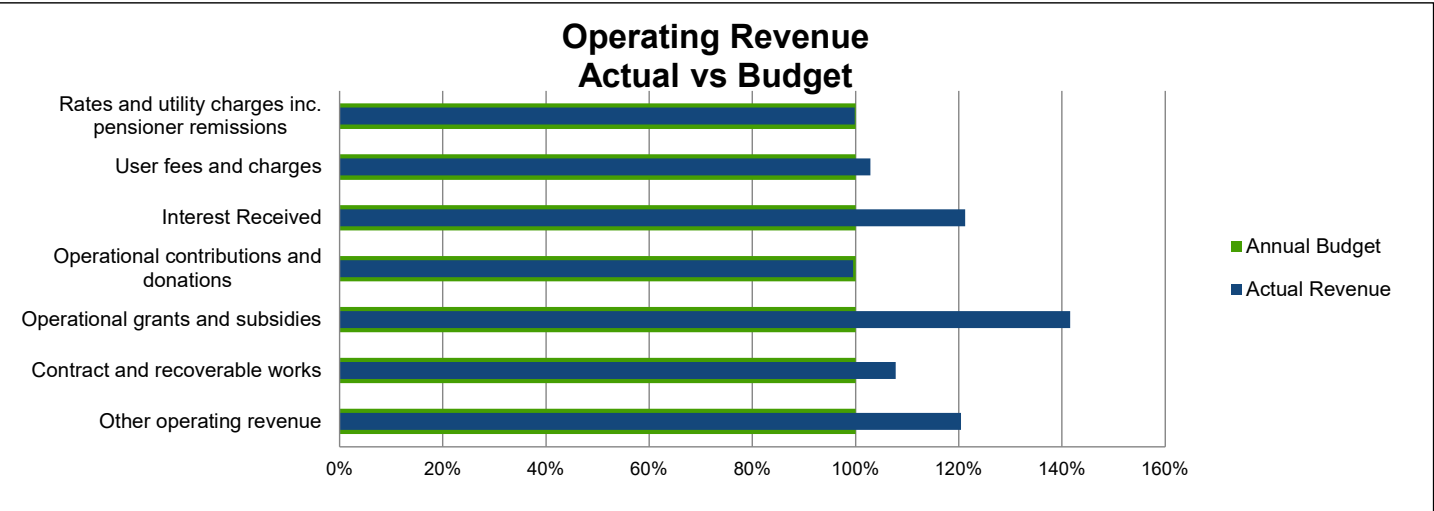
The following report provides a summary of Council's financial performance to 30 June 2025. The Operating Statements are interim June reports. Financial Statements are currently being completed and there are some end of financial year journals outstanding which will impact the statements.

FINANCIAL STATEMENTS AT A GLANCE

As at 30 June 2025	Actual \$	Annual Budget \$	\$ Variance YTD Actual to YTD Revised Budget	% Variance YTD Actual to YTD Revised Budget
Total Operating Revenue	72,232,472	66,679,883	5,552,589	8%
Total Operating Expenses	64,637,517	63,828,342	809,175	1%
Operating Position	7,594,955	2,851,541	4,743,414	166%
Capital Revenue	16,101,109	18,592,607	-2,491,498	-13%
Net Result	23,696,064	21,444,148	2,251,916	11%

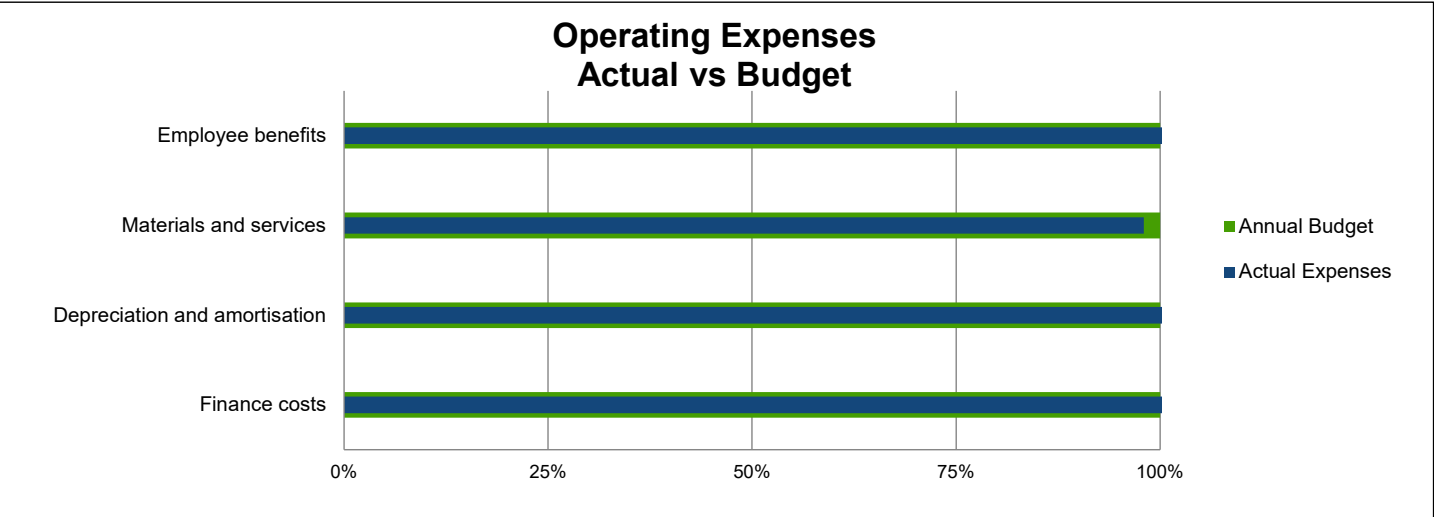
This report contains financial information for the period ending 30 June 2025. Council's operating position at month end is a \$7.6M surplus.

Capital Revenue includes capital grants which are budgeted to be received in July.



Ahead of Budget:

- Pensioner remissions: Increased pensioner remission eligibility.
- Interest Received: Sustained higher interest rates.
- Operational grants and subsidies: Council received an unbudgeted 50% prepayment of the Financial Assistance Grant for 2025/26 in June.
- Contract and recoverable works: Unbudgeted Disaster Recovery Funding Arrangements received for emergency works paid through Department of Transport and Main Roads.
- Other operating revenue: Sweet Days Hot Nights Festival bar sales, entry fees and sponsorships, and insurance claim for property damage received more than budgeted.



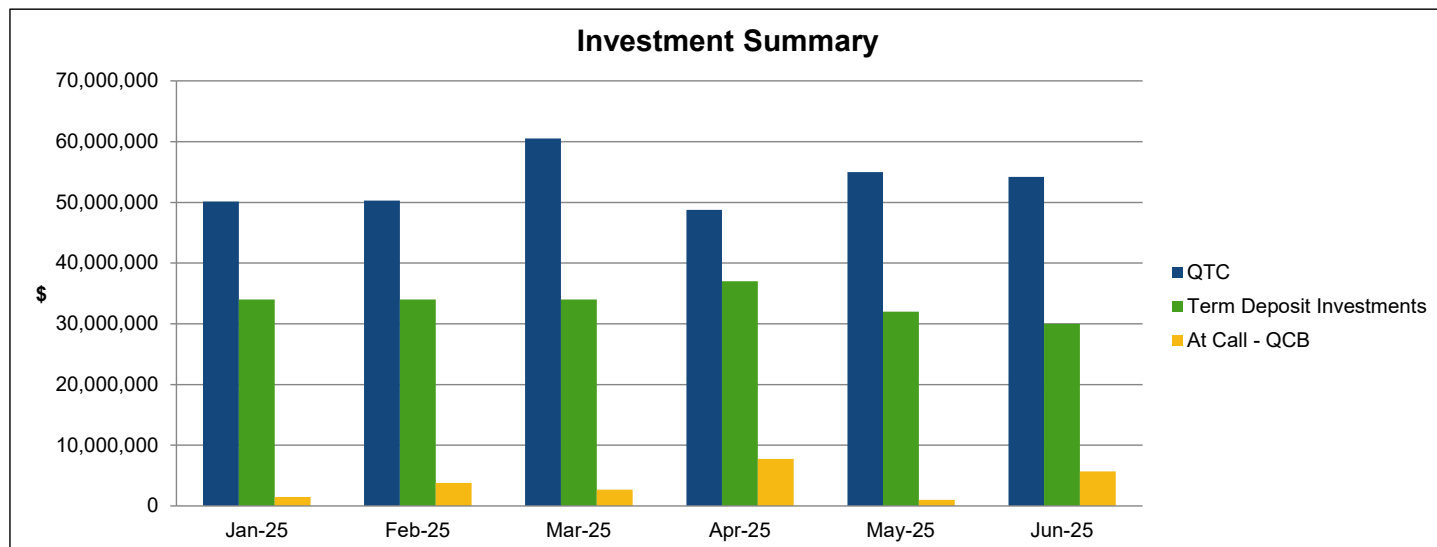
Under Budget:

- Finance Costs: Council does not include in the budget estimates movements for the Restoration provision for landfill sites. Annual provision movements include a borrowing cost of \$841,594 which relates to the discounting used to reflect the passage of time until the sites are remediated.

INVESTMENT PORTFOLIO

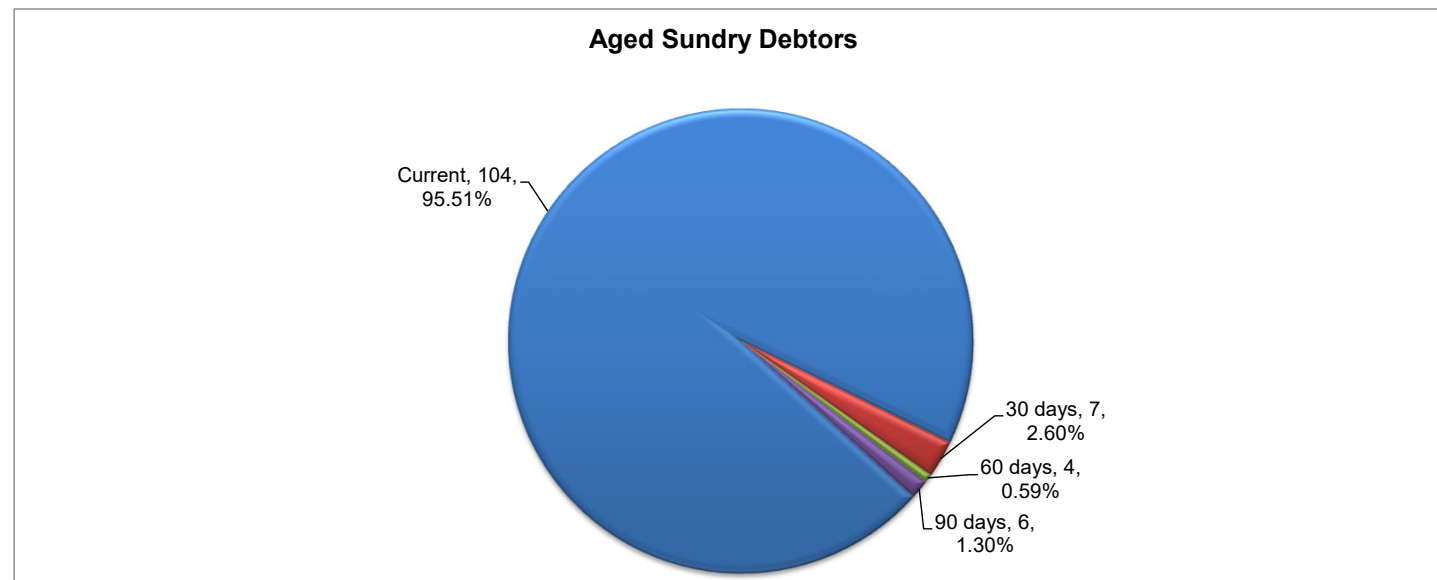
Investment Report as at 30 June 2025 (including at call cash)

	Total Invested	Average Current Rate Weighted	% Invested
NAB	16,000,000	4.61%	17.8%
Suncorp	2,000,000	4.65%	2.2%
Bendigo	6,000,000	4.45%	6.7%
QCB	6,000,000	4.77%	6.7%
QTC	54,201,180	4.62%	60.3%
QCB General	5,672,703	2.25%	6.3%
Total Funds	\$89,873,883		



SUNDRY DEBTORS

Total outstanding Sundry Debtors as at 30 June are \$1,228,988.42.



Note: At 30 June the current balance includes one large government department account of \$626,469.19.

Collection House - Debt Referral

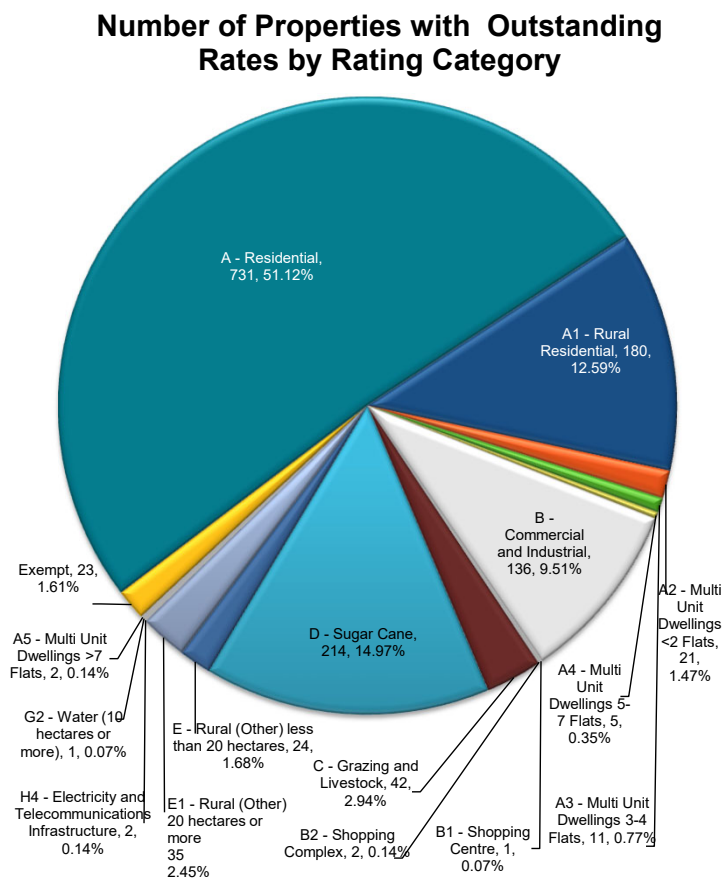
Council currently has 1 active file with Collection House.

RATES

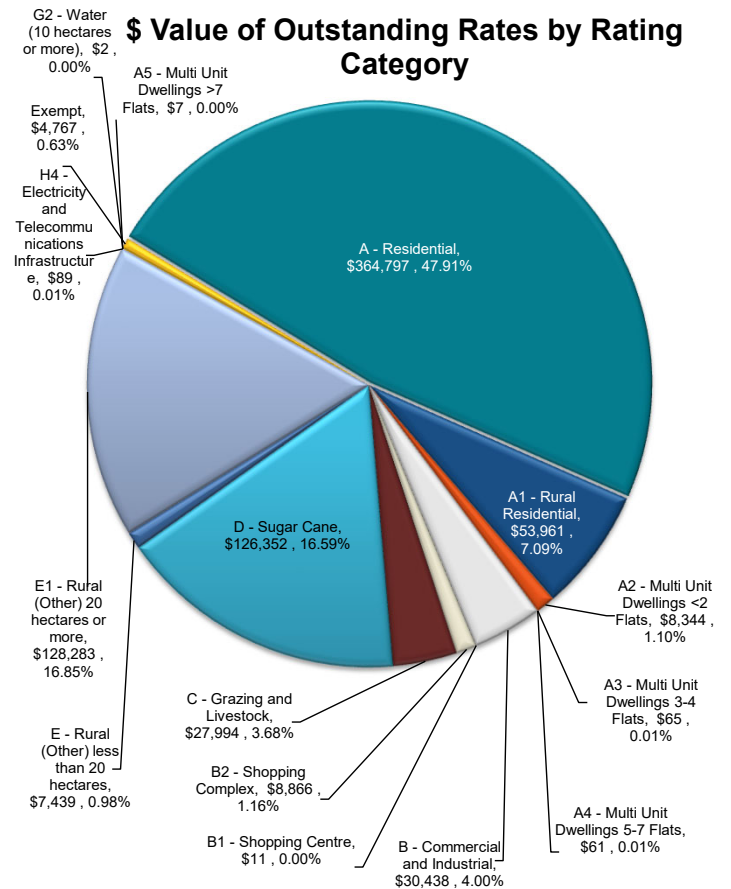
Arrears as at 1 July 2024		\$460,295
Levy and fees raised *	\$48,019,747	
Interest charged *	\$128,891	
Less Pensioner subsidy and rebate	<u>\$704,209</u>	\$47,444,430
Payments received		<u>\$47,143,249</u>
Arrears as at 30 June 2025		<u><u>\$761,476</u></u>
% Arrears June 2025		1.59%
% Arrears June 2024		0.99%
Pre-payments as at 30 June 2025		\$2,796,586
Pre-payments as at 30 June 2024		\$3,299,187

* includes State Govt Emergency Management Levy

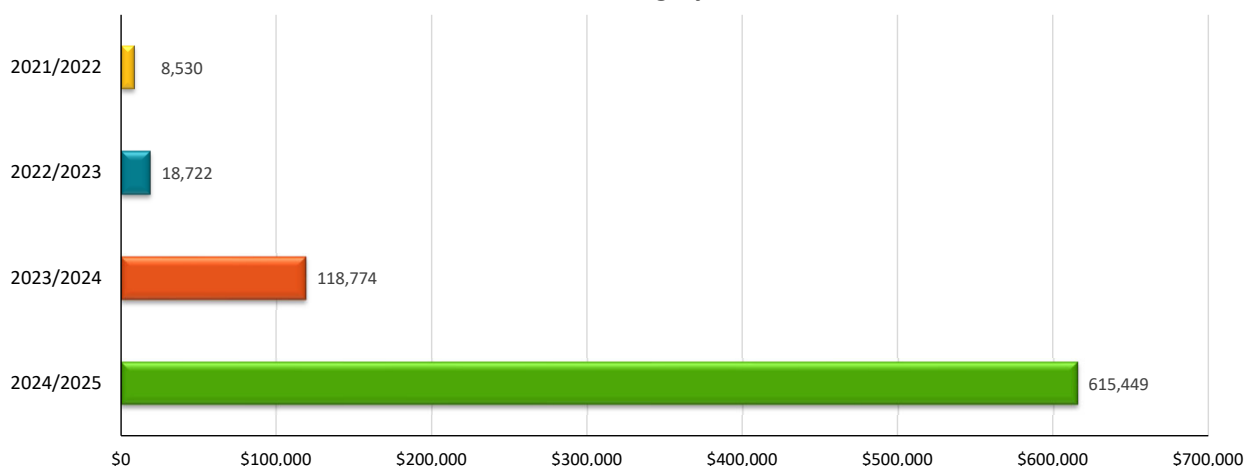
Number of Properties with Outstanding Rates by Rating Category



\$ Value of Outstanding Rates by Rating Category



Total Rates Outstanding by Financial Year



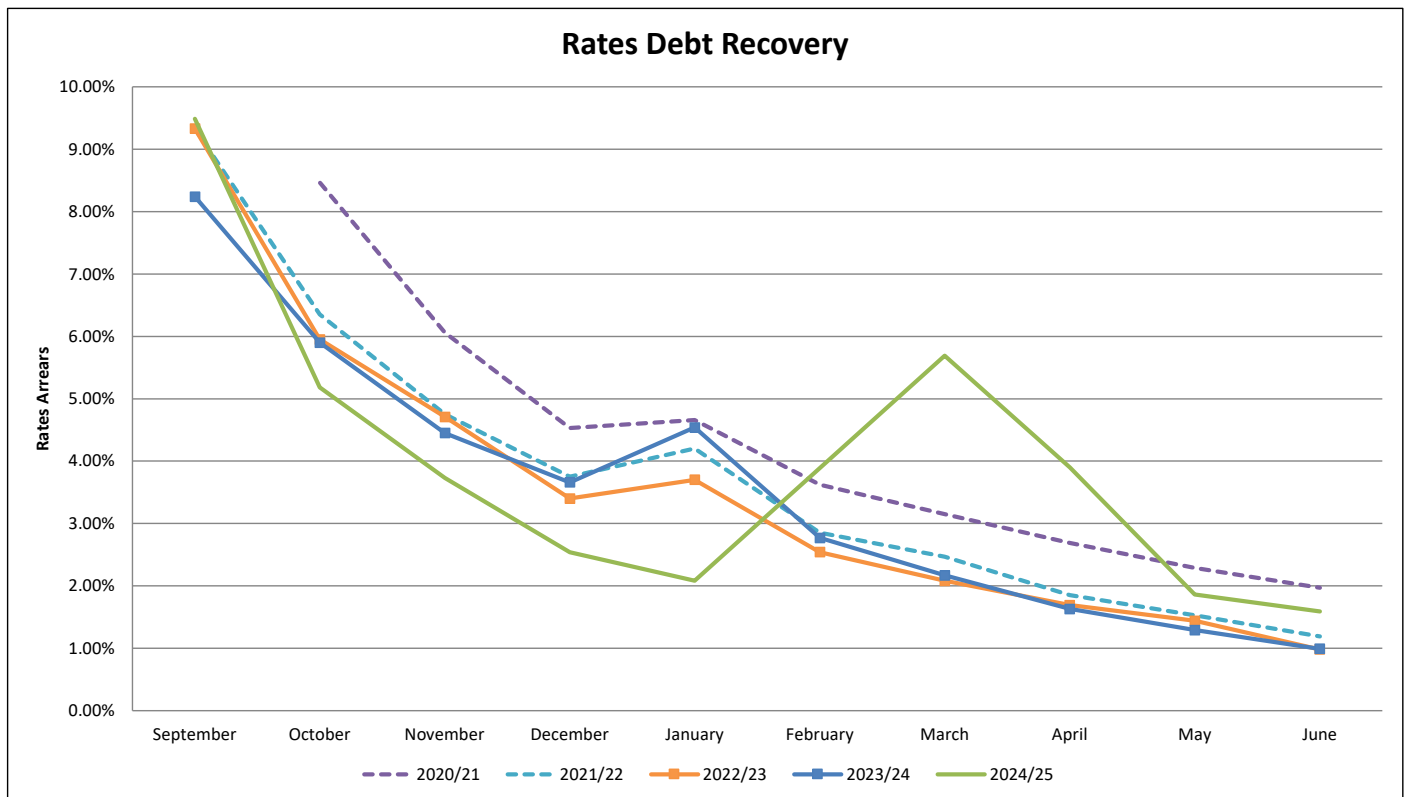
Rates Debt Recovery

Collection House – Debt Referral

Council currently has 161 active files with Collection House with an outstanding balance of \$486,459.51.

Council Payment Plans

Council have 55 formalised periodic payment plans currently in place with a total outstanding balance of \$110,414.52.



OVERVIEW OF COUNCIL'S CAPITAL PROJECTS

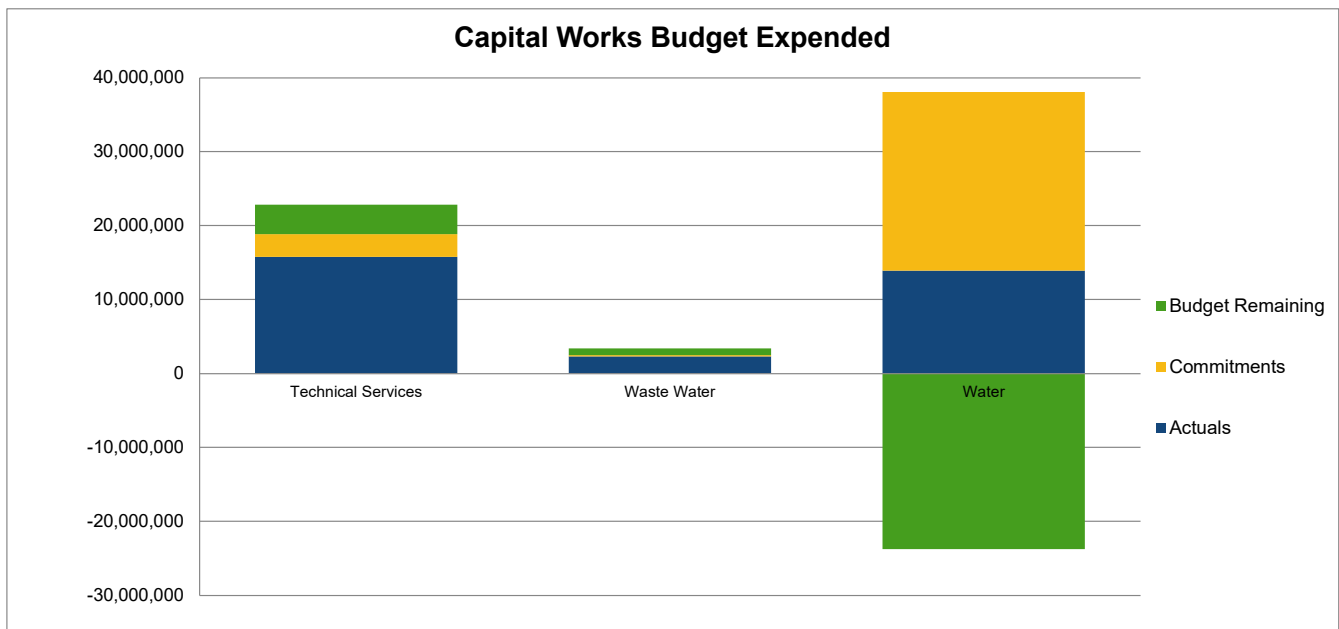
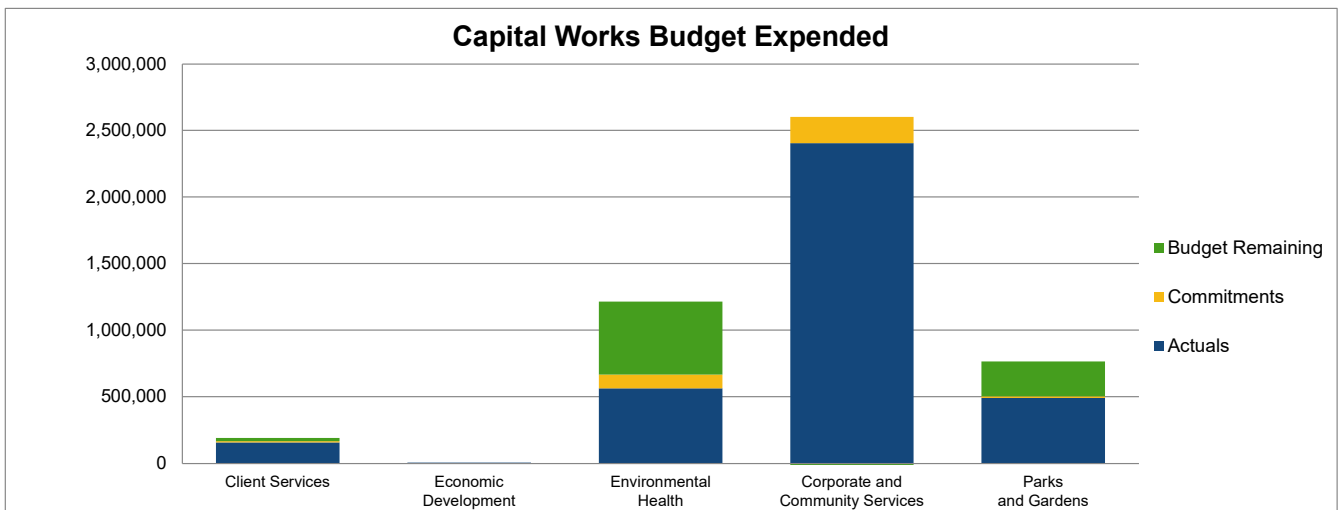
Capital expenditure incurred for the year to 30 June, is shown by asset category in the table below.

Capital project expenditure to 30 June is \$35,586,533 in addition to this, there is \$27,772,457 of commitments. Therefore totalling \$63,358,990.

Financial Overview by Asset Category

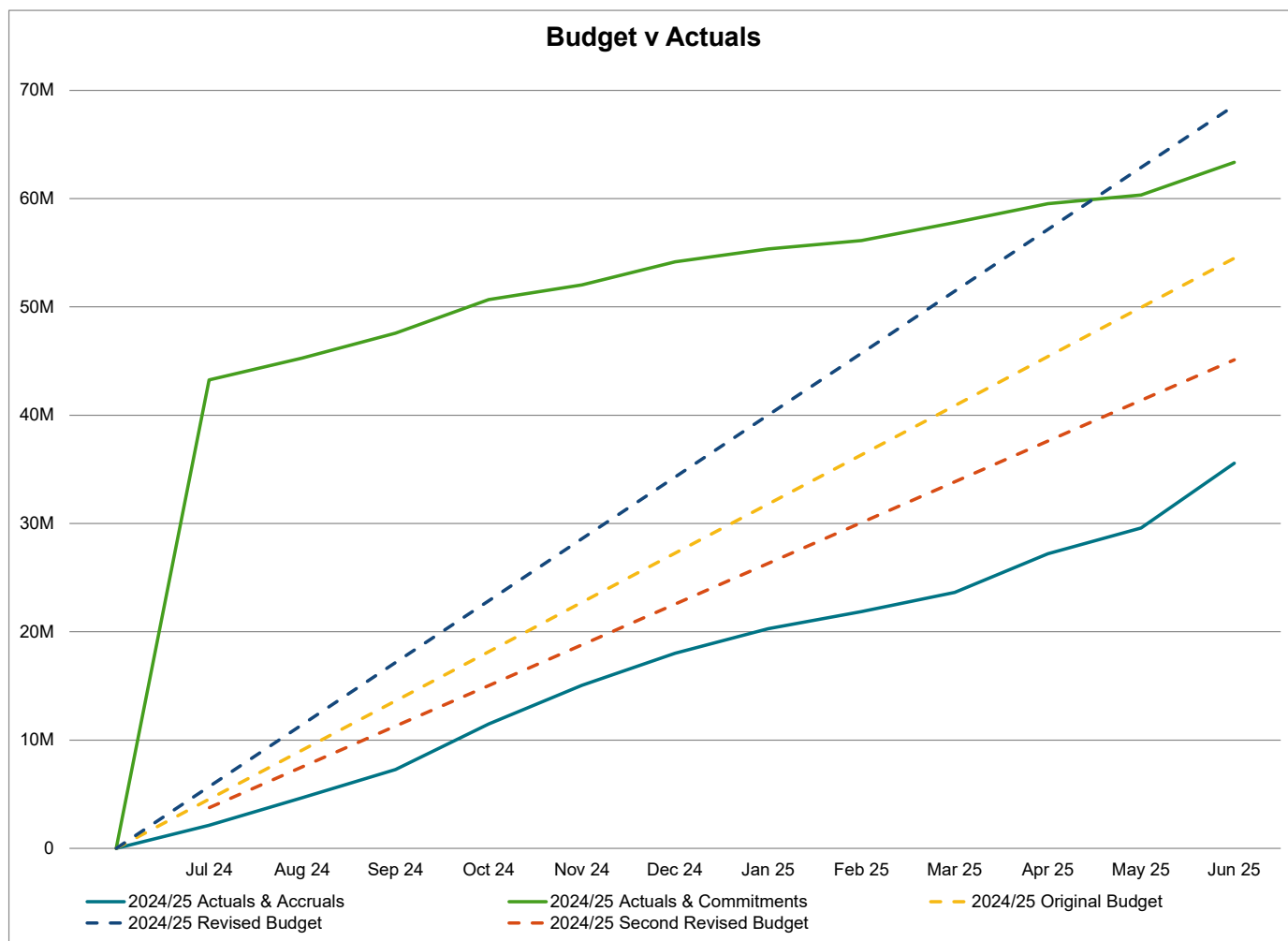
Asset Category	Original Budget	Revised Budget	Actuals & Accruals	Commitments	Total
Client Services	\$ 173,500	\$ 190,721	\$ 156,532	\$ 9,389	\$ 165,921
Corporate and Community Services	\$ 1,577,000	\$ 2,426,771	\$ 2,404,627	\$ 195,949	\$ 2,600,575
Economic Development	\$ -	\$ 4,500	\$ 5,194	\$ -	\$ 5,194
Technical Services	\$ 19,901,000	\$ 22,810,347	\$ 15,762,750	\$ 3,086,214	\$ 18,848,964
Environmental Health	\$ 565,000	\$ 1,215,001	\$ 564,117	\$ 103,331	\$ 667,448
Parks and Gardens	\$ 625,000	\$ 766,225	\$ 491,755	\$ 11,900	\$ 503,655
Waste Water	\$ 1,055,000	\$ 3,399,077	\$ 2,308,449	\$ 176,792	\$ 2,485,241
Water	\$ 30,613,550	\$ 14,312,619	\$ 13,893,109	\$ 24,188,883	\$ 38,081,992
TOTAL	\$ 54,510,050	\$ 45,125,261	\$ 35,586,533	\$ 27,772,457	\$ 63,358,990

The below graph shows, by Asset Category, how much Council has spent (including accruals and commitments) 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 June 2025.

APPENDIX 4 - STATEMENT OF CASH FLOWS

Attached is the Statement of Cash Flows for the period ending 30 June 2025.

OPERATING STATEMENT
Period Ending 30 June 2025

Chief Executive Officer

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
Operational contributions and donations	-11	1,189	500	689	138%
Operational grants and subsidies	15,378	25,378	10,000	15,378	154%
Other operating revenue	45,140	116,678	80,150	36,528	46%
Total operating revenue	60,507	143,246	90,650	52,596	58%
Operating Expenses					
Employee benefits	134,651	1,571,844	1,569,520	2,324	0%
Materials and services	113,052	471,064	530,550	-59,486	-11%
Total operating costs	247,703	2,042,908	2,100,070	-57,162	-3%
Surplus (deficit) from operating activities	-187,195	-1,899,663	-2,009,420	109,757	-5%
Net result for period	-187,195	-1,899,663	-2,009,420	109,757	-5%

Comments

Note: Comments to be provided for variances that are +/- 5%

Operational contributions and donations

Ahead of budget for donations received at visitor information centres.

Operational grants and subsidies

Ahead of budget with unbudgeted grants received from RADF for Cultural Fair and mural installation.

Other operating revenue

Ahead of budget for Sweet Days Hot Nights Festival bar sales, entry fees and sponsorships.

Materials and services

Under budget due to advertising of the Industrial Estate costed to capital. Also under budget for Economic Development strategy initiatives and Smart Precinct support activities with free opportunities utilised throughout the year.

OPERATING STATEMENT
Period Ending 30 June 2025

Director of Corporate & Community Services

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
User fees and charges	8,532	118,717	128,035	-9,318	-7%
Operational contributions and donations	6,033	54,605	60,000	-5,395	-9%
Operational grants and subsidies	-30,975	111,565	110,975	590	1%
Other operating revenue	2,415	49,514	12,900	36,614	284%
Total operating revenue	-13,995	334,401	311,910	22,491	7%
Operating Expenses					
Employee benefits	75,969	777,353	710,990	66,363	9%
Materials and services	293,689	1,105,281	1,051,473	53,808	5%
Depreciation and amortisation	141,196	1,644,524	1,641,860	2,664	0%
Total operating costs	510,854	3,527,158	3,404,323	122,835	4%
Surplus (deficit) from operating activities	-524,849	-3,192,757	-3,092,413	-100,344	3%
Capital contributions	0	7,027	4,500	2,527	56%
Capital grants and subsidies	-34,783	58,948	250,000	-191,052	-76%
Other capital income (expense)	-11,458	-108,804	-167,293	58,489	-35%
Net result for period	-571,089	-3,235,586	-3,005,206	-230,380	8%

Comments

Note: Comments to be provided for variances that are +/- 5%

User fees and charges

Under budget in fees and charges for Ayr Showgrounds and lease payments for Community Properties.

Operational contributions and donations

Under budget for electricity reimbursement at Home Hill Showgrounds.

Other operating revenue

Ahead of budget due to insurance claim for property damage received more than budgeted.

Employee benefits

Over budget in Governance Section due to minimal leave taken.

Materials and services

Over budget due to unbudgeted expenses including legal expenses for governance and property, maintenance expenditure for the Council Chambers air-conditioning, mould investigation, and an increase in electricity with Chambers air conditioners remaining on for mould control. Offset by insurance premiums with the actual cost of premiums being less than budgeted.

Capital contributions

Contribution received for sugar cane planter installation.

Capital grants and subsidies

Grant funds for LRCIP4 have been recognised for works completed following end of financial year contract asset and liability journals.

Other capital income (expense)

This item records any disposal of assets in preparation for renewals or upgrades. The amount is a book entry to remove the written down value of the asset from the asset register and a record of any sales proceeds received.

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Client Services

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
Operational grants and subsidies	-6,000	36,733	56,733	-20,000	-35%
Other operating revenue	46,119	84,354	50,000	34,354	69%
Total operating revenue	40,119	121,088	106,733	14,355	13%
Operating Expenses					
Employee benefits	505,330	3,810,157	3,823,084	-12,927	0%
Materials and services	85,464	2,703,881	2,821,151	-117,270	-4%
Total operating costs	590,793	6,514,038	6,644,235	-130,197	-2%
Surplus (deficit) from operating activities	-550,674	-6,392,951	-6,537,502	144,551	-2%
Net result for period	-550,674	-6,392,951	-6,537,502	144,551	-2%

Comments

Note: Comments to be provided for variances that are +/- 5%

Operational grants and subsidies

Under budget due to not receiving full amount of budgeted North Queensland Resilience Program funding during the financial year.
 Negative June balance for transfer of unspent SES funds to contract liability.

Other operating revenue

Workcare payments are received as the need arises and therefore often vary to budget.

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Community Services

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
User fees and charges	45,271	291,210	287,150	4,060	1%
Operational grants and subsidies	10,284	45,392	40,108	5,284	13%
Other operating revenue	7,329	116,828	111,950	4,878	4%
Total operating revenue	62,884	453,431	439,208	14,223	3%
Operating Expenses					
Employee benefits	190,692	1,851,409	1,794,020	57,389	3%
Materials and services	145,028	1,360,889	1,285,509	75,380	6%
Depreciation and amortisation	13,991	134,388	131,700	2,688	2%
Total operating costs	349,710	3,346,686	3,211,229	135,457	4%
Surplus (deficit) from operating activities	-286,826	-2,893,256	-2,772,021	-121,235	4%
Capital grants and subsidies	23,750	89,065	239,262	-150,197	-63%
Other capital income (expense)	-13,958	-13,958	-38,449	24,491	-64%
Net result for period	-277,034	-2,818,149	-2,571,208	-246,941	10%

Comments

Note: Comments to be provided for variances that are +/- 5%

Operational grants and subsidies

Ahead of budget due to unbudgeted grant funds received for Queensland Youth Week and How Do We Library grant received from State Library of Queensland. Seniors week grant not received with funding outcome not finalised before end of financial year.

Materials and services

Over budget in cultural facilities for trade contract services due to a number of emergent repairs. Burdekin Memorial Hall over budget with additional technical labour due to shortage of technical staff. Also over in electricity due to air-conditioning at both the Theatre and Library remaining on for a period of months to reduce the spread of mould.

Capital grants and subsidies

Four quarterly payments for Queensland State Library Grant received. Grant funds for Reef Guardian Grant have been recognised for works completed following end of financial year contract asset and liability journals.

Other capital income (expense)

This item records any disposal of assets in preparation for renewals or upgrades. The amount is a book entry to remove the written down value of the asset from the asset register and a record of any sales proceeds received.

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Environmental & Health Services - Waste Program

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
Rates and Utility Charges	4,428	4,670,457	4,647,711	22,746	0%
User fees and charges	127,055	726,689	697,000	29,689	4%
Interest Received	31,386	401,832	333,000	68,832	21%
Operational grants and subsidies	300	12,540	0	12,540	-
Other operating revenue	12,532	186,307	218,500	-32,193	-15%
Total operating revenue	175,700	5,997,824	5,896,211	101,613	2%
Operating Expenses					
Employee benefits	96,269	1,016,151	953,520	62,631	7%
Materials and services	853,319	3,401,564	3,260,870	140,694	4%
Depreciation and amortisation	63,192	537,864	520,200	17,664	3%
Finance Costs	0	841,594	0	841,594	-
Total operating costs	1,012,780	5,797,173	4,734,590	1,062,583	22%
Surplus (deficit) from operating activities	-837,080	200,651	1,161,621	-960,970	-83%
Other capital income (expense)	-9,843	1,785,936	-68,491	1,854,427	-2708%
Net result for period	-846,922	1,986,587	1,093,130	893,457	82%

Comments

Note: Comments to be provided for variances that are +/- 5%

Interest Received

Ahead of budget for interest on investments due to sustained higher interest rates.

Operational grants and subsidies

Ahead of budget with unbudgeted grant funds received for Let's Get it Sorted Partnership Program.

Other operating revenue

Under budget in Waste Disposal with income variable from year to year.

Employee benefits

Over budget in Waste Disposal due to additional casuals required. This is offset by savings in Materials and services, as the increased internal resourcing has reduced the need for external contractors.

Finance Costs

Council does not include in the budget estimates movements for the Restoration provision for landfill sites. Annual provision movements include a borrowing cost of \$841,594 which relates to the discounting used to reflect the passage of time until the sites are remediated.

Other capital income (expense)

This item records any disposal of assets in preparation for renewals or upgrades. The amount is a book entry to remove the written down value of the asset from the asset register and a record of any sales proceeds received. Included in capital expense is \$1,858,038 for the Restoration provision review of costs to remediate, extension of restoration date, and movement in discount rate.

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Environmental & Health Services excluding Waste Program

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
Rates and Utility Charges	73	87,360	87,500	-140	0%
User fees and charges	116,243	845,732	838,044	7,688	1%
Operational contributions and donations	1,375	152,971	175,325	-22,354	-13%
Operational grants and subsidies	54,197	209,528	246,900	-37,372	-15%
Other operating revenue	1,503	24,074	10,900	13,174	121%
Total operating revenue	173,392	1,319,665	1,358,669	-39,004	-3%
Operating Expenses					
Employee benefits	159,666	1,534,080	1,583,540	-49,460	-3%
Materials and services	398,040	2,990,122	2,901,959	88,163	3%
Depreciation and amortisation	40,614	490,922	486,400	4,522	1%
Total operating costs	598,320	5,015,124	4,971,899	43,225	1%
Surplus (deficit) from operating activities	-424,928	-3,695,459	-3,613,230	-82,229	2%
Capital grants and subsidies	-10,851	193,930	585,930	-392,000	-67%
Other capital income (expense)	-170,810	-509,232	-399,329	-109,903	28%
Net result for period	-606,590	-4,010,761	-3,426,629	-584,132	17%

Comments

Note: Comments to be provided for variances that are +/- 5%

Operational contributions and donations

Under budget due to a reduction in the RMA (Riparian Management Agreement) invoice amounts with a reduced amount of work able to be completed as a result of the wet season. Also under budget due to the timing of the Woody Weed removal contributions.

Operational grants and subsidies

Under budget for Illegal Dumping Officer Payments and Reef Guardian Projects with grant funds to be received as milestones are met.

Other operating revenue

Unbudgeted income from security deposit after contract requirements weren't fulfilled.

Capital grants and subsidies

Grant funds for LRCIP4 and Works for Queensland Projects have been recognised for works completed following end of financial year contract asset and liability journals.

Other capital income (expense)

This item records any disposal of assets in preparation for renewals or upgrades. The amount is a book entry to remove the written down value of the asset from the asset register and a record of any sales proceeds received.

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Financial and Administrative Services

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
Rates and Utility Charges	43,944	30,564,532	30,474,652	89,880	0%
Pensioner remissions	515	-367,394	-350,000	-17,394	5%
User fees and charges	12,239	150,096	120,000	30,096	25%
Interest Received	657,261	2,783,413	2,160,000	623,413	29%
Operational grants and subsidies	3,615,796	10,773,146	7,092,304	3,680,842	52%
Other operating revenue	55	35,366	35,500	-134	0%
Total operating revenue	4,329,811	43,939,158	39,532,456	4,406,702	11%
Operating Expenses					
Employee benefits	185,757	1,830,594	1,855,000	-24,406	-1%
Materials and services	177,771	997,859	1,075,092	-77,233	-7%
Depreciation and amortisation	36,421	407,986	402,500	5,486	1%
Finance Costs	7,012	79,668	90,000	-10,332	-11%
Total operating costs	406,961	3,316,107	3,422,592	-106,485	-3%
Surplus (deficit) from operating activities	3,922,850	40,623,052	36,109,864	4,513,188	12%
Other capital income (expense)	-94	-47,020	-85,747	38,727	-45%
Net result for period	3,922,756	40,576,032	36,024,117	4,551,915	13%

Comments

Note: Comments to be provided for variances that are +/- 5%

Pensioner remissions

Ahead of budget due to increased pensioner remission eligibility.

User fees and charges

Ahead of budget due to income received from property searches and changes of ownership being higher than budget estimates.

Interest Received

Ahead of budget for interest on investments due to sustained higher interest rates.

Operational grants and subsidies

Ahead of budget with Council receiving an unbudgeted 50% prepayment of the Financial Assistance Grant for 2025/26 in June.

Materials and services

Under budget in subscriptions, telephone calls, and annual insurance. Insurance is less than budgeted due to a surplus distribution applied to our member contribution account. This is offset by trade/contract which is over budget due to unbudgeted contractor payments for temporary financial accountant.

Finance Costs

Consistently these fees remain lower than budgeted.

Other capital income (expense)

This item records any disposal of assets in preparation for renewals or upgrades. The amount is a book entry to remove the written down value of the asset from the asset register and a record of any sales proceeds received.

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Operations

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
User fees and charges	19,546	219,299	213,000	6,299	3%
Operational contributions and donations	34,108	233,344	228,360	4,984	2%
Operational grants and subsidies	1,497,882	3,634,518	2,777,718	856,800	31%
Contract and recoverable works	19,957	87,312	68,400	18,912	28%
Other operating revenue	6,438	11,597	12,000	-403	-3%
Total operating revenue	1,577,931	4,186,070	3,299,478	886,592	27%
Operating Expenses					
Employee benefits	551,384	5,738,947	5,301,203	437,744	8%
Materials and services	977,437	5,235,221	5,359,162	-123,941	-2%
Depreciation and amortisation	128,593	1,342,741	1,347,400	-4,659	0%
Total operating costs	1,657,413	12,316,909	12,007,765	309,144	3%
Surplus (deficit) from operating activities	-79,482	-8,130,839	-8,708,287	577,448	-7%
Capital grants and subsidies	139,916	2,603,989	3,178,261	-574,272	-18%
Other capital income (expense)	-72,873	-186,635	-252,571	65,936	-26%
Net result for period	-12,439	-5,713,484	-5,782,597	69,113	-1%

Comments

Note: Comments to be provided for variances that are +/- 5%

Operational grants and subsidies

Ahead of budget with Council receiving an unbudgeted 50% prepayment of the Financial Assistance Grant for 2025/26 in June. This is offset by recoverable works being under budget with ongoing claims through Disaster Recovery Funding Arrangements (DRFA) for 2025 flooding event.

Contract and recoverable works

Private works are variable throughout the year. Income received includes access works conducted on behalf of a developer on the heavy vehicle bypass in conjunction with Council capital works.

Employee benefits

Over budget within Recoverable Works with overtime and penalties incurred to deal with the monsoonal rain and flooding during February and March. The budget is also impacted by the inability to undertake and therefore charge wages to Capital Works in the same period as a result of ground conditions. These expenses are over and above normal operational expenses. A claim for reimbursement through Disaster Recovery Funding Arrangements will be submitted for recovery of wages directly related to the disaster response such as road closures and emergent repairs.

Capital grants and subsidies

Grant funds for LRCIP4 and DRFA have been recognised for works completed following end of financial year contract asset and liability journals.

Other capital income (expense)

This item records any disposal of assets in preparation for renewals or upgrades. The amount is a book entry to remove the written down value of the asset from the asset register and a record of any sales proceeds received.

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Water and Waste Water - Sewerage

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
Rates and Utility Charges	5,975	4,839,306	4,832,000	7,306	0%
User fees and charges	14,387	205,583	171,000	34,583	20%
Interest Received	56,875	725,469	638,000	87,469	14%
Operational contributions and donations	17,824	77,260	64,500	12,760	20%
Other operating revenue	1,217	3,060	0	3,060	-
Total operating revenue	96,278	5,850,678	5,705,500	145,178	3%
Operating Expenses					
Employee benefits	157,423	1,483,375	1,469,000	14,375	1%
Materials and services	195,297	1,601,063	1,463,677	137,386	9%
Depreciation and amortisation	221,229	1,761,084	1,752,500	8,584	0%
Total operating costs	573,949	4,845,521	4,685,177	160,344	3%
Surplus (deficit) from operating activities	-477,671	1,005,157	1,020,323	-15,166	-1%
Capital grants and subsidies	2,592	353,823	351,232	2,591	1%
Other capital income (expense)	-128,646	-269,762	-209,246	-60,516	29%
Net result for period	-603,725	1,089,218	1,162,309	-73,091	-6%

Comments

Note: Comments to be provided for variances that are +/- 5%

User fees and charges

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

Interest Received

Ahead of budget for interest on investments due to sustained higher interest rates.

Operational contributions and donations

Ahead of budget for electricity contributions received from RegenAqua for Macro-Algae facility.

Materials and services

Over budget in Sewerage Reticulation and Pump Stations due to increased costs for wet weather event in February and March 2025.

Other capital income (expense)

This item records any disposal of assets in preparation for renewals or upgrades. The amount is a book entry to remove the written down value of the asset from the asset register and a record of any sales proceeds received.

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Water and Waste Water - Water

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
Rates and Utility Charges	1,206,536	5,692,761	5,880,510	-187,749	-3%
User fees and charges	1,729	65,618	85,200	-19,582	-23%
Interest Received	73,379	936,381	868,000	68,381	8%
Operational contributions and donations	7,668	58,386	52,000	6,386	12%
Other operating revenue	0	283	0	283	-
Total operating revenue	1,289,312	6,753,429	6,885,710	-132,281	-2%
Operating Expenses					
Employee benefits	118,228	1,359,399	1,366,400	-7,001	-1%
Materials and services	357,650	2,146,228	2,484,083	-337,855	-14%
Depreciation and amortisation	129,917	1,294,164	1,303,400	-9,236	-1%
Total operating costs	605,794	4,799,791	5,153,883	-354,092	-7%
Surplus (deficit) from operating activities	683,518	1,953,638	1,731,827	221,811	13%
Capital contributions	3,684	3,684	0	3,684	-
Capital grants and subsidies	2,905,070	10,477,272	12,654,472	-2,177,200	-17%
Other capital income (expense)	-319,869	-355,233	-129,843	-225,390	174%
Net result for period	3,272,402	12,079,360	14,256,456	-2,177,096	-15%

Comments

Note: Comments to be provided for variances that are +/- 5%

User fees and charges

Under budget mainly for property connections. Income is variable throughout the year and can differ to budget.

Interest Received

Ahead of budget for interest on investments due to sustained higher interest rates.

Operational contributions and donations

Ahead of budget for infrastructure access charges which are variable throughout the year.

Materials and services

Under budget mainly in electricity, plant hire internal and contract payments. Plant hire internal under budget with plant booked to capital projects. Contract payments for Townsville City bulk water purchases lower than budget estimates. This is offset by licences and permits being over budget with 2025 Lower Burdekin Water bulk water payment paid ahead of budget.

Capital grants and subsidies

Grant funds for the South Ayr Filtration Plant have been recognised for works completed following end of financial year contract asset and liability journals.

Other capital income (expense)

This item records any disposal of assets in preparation for renewals or upgrades. The amount is a book entry to remove the written down value of the asset from the asset register and a record of any sales proceeds received.

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Planning and Development

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
User fees and charges	47,240	580,406	589,000	-8,594	-1%
Operational grants and subsidies	30,000	30,000	30,000	0	0%
Other operating revenue	-9,666	13,997	13,640	357	3%
Total operating revenue	<u>67,574</u>	<u>624,403</u>	<u>632,640</u>	<u>-8,237</u>	<u>-1%</u>
Operating Expenses					
Employee benefits	163,244	1,382,187	1,336,000	46,187	3%
Materials and services	55,299	619,243	628,579	-9,336	-1%
Total operating costs	<u>218,543</u>	<u>2,001,430</u>	<u>1,964,579</u>	<u>36,851</u>	<u>2%</u>
Surplus (deficit) from operating activities	<u>-150,969</u>	<u>-1,377,027</u>	<u>-1,331,939</u>	<u>-45,088</u>	<u>3%</u>
Net result for period	<u>-150,969</u>	<u>-1,377,027</u>	<u>-1,331,939</u>	<u>-45,088</u>	<u>3%</u>

Comments

Note: Comments to be provided for variances that are +/- 5%

OPERATING STATEMENT
Period Ending 30 June 2025

Manager Technical Services

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
User fees and charges	0	20,009	5,500	14,509	264%
Operational grants and subsidies	-54,511	123,479	230,000	-106,521	-46%
Contract and recoverable works	1,074,924	2,259,968	2,110,000	149,968	7%
Other operating revenue	1,048	105,623	75,218	30,405	40%
Total operating revenue	1,021,461	2,509,079	2,420,718	88,361	4%
Operating Expenses					
Employee benefits	286,460	2,829,528	3,065,000	-235,472	-8%
Materials and services	220,672	-1,043,160	-836,000	-207,160	25%
Depreciation and amortisation	834,703	9,328,304	9,299,000	29,304	0%
Total operating costs	1,341,835	11,114,672	11,528,000	-413,328	-4%
Surplus (deficit) from operating activities	-320,374	-8,605,593	-9,107,282	501,689	-6%
Capital contributions	65,000	1,472,168	2,210,000	-737,832	-33%
Capital grants and subsidies	-169,191	1,913,882	1,975,223	-61,341	-3%
Other capital income (expense)	-764,529	-1,367,971	-1,505,304	137,333	-9%
Net result for period	-1,189,093	-6,587,513	-6,427,363	-160,150	2%

Comments

Note: Comments to be provided for variances that are +/- 5%

User fees and charges

Ahead of budget due to unbudgeted road reserve works permit application received.

Operational grants and subsidies

Under budget due to not receiving full amount of budgeted North Queensland Resilience Program funding during the financial year.

Contract and recoverable works

Ahead of budget due to unbudgeted Disaster Recovery Funding Arrangements received for emergency works paid through Department of Transport and Main Roads. Offset by Roads Maintenance Performance Contract (RMPC) income under budget due to timing of works and claims. February and March program severely impacted by wet weather.

Other operating revenue

Ahead of budget due to income received from insurance claims.

Employee benefits

Under budget due to extended leave, ongoing vacancies in the project management office and asset management office and workshop, and timing of RMPC works with impacts from the weather event.

Materials and services

Under budget due to timing of consultancy for Regional Flood Study and Field App implementation. Fleet operations under budget due to fuel price being lower than budgeted and less consumption due to the wet weather. Offset by Recoverable Works Main Roads being over budget with additional works completed funded through Disaster Recovery Funding Arrangements.

Capital contributions

Budgeted contributions for Bahr Road and Shirbourne Road restoration and Thompson Road floodway upgrade. Bahr Road and Shirbourne Road contributions transferred quarterly from contract liabilities as works are completed. Contributions for Thompson Road to be received upon commencement of works.

Other capital income (expense)

This item records any disposal of assets in preparation for renewals or upgrades. The amount is a book entry to remove the written down value of the asset from the asset register and a record of any sales proceeds received.

BURDEKIN SHIRE COUNCIL
OPERATING STATEMENT
Period Ending 30 June 2025

Appendix 2

	Month of June Actual	Year to Date Actual	Revised Budget	\$ Variance YTD Actual to Revised Budget	% Variance YTD Actual to Revised Budget
Operating Revenue					
Rates and Utility Charges	1,260,956	45,854,415	45,922,373	-67,958	0%
Pensioner remissions	515	-367,394	-350,000	-17,394	5%
User fees and charges	392,244	3,223,360	3,133,929	89,431	3%
Interest Received	818,901	4,847,095	3,999,000	848,095	21%
Operational contributions and donations	66,997	577,756	580,685	-2,929	-1%
Operational grants and subsidies	5,132,351	15,002,280	10,594,738	4,407,542	42%
Contract and recoverable works	1,094,881	2,347,280	2,178,400	168,880	8%
Other operating revenue	114,131	747,681	620,758	126,923	20%
Total operating revenue	8,880,976	72,232,472	66,679,883	5,552,589	8%
Operating Expenses					
Employee benefits	2,625,072	25,185,023	24,827,277	357,746	1%
Materials and services	3,872,716	21,589,255	22,026,105	-436,850	-2%
Depreciation and amortisation	1,609,855	16,941,978	16,884,960	57,018	0%
Finance Costs	7,012	921,262	90,000	831,262	924%
	0	0	0	0	-
Total operating costs	8,114,656	64,637,517	63,828,342	809,175	1%
Surplus (deficit) from operating activities	766,320	7,594,955	2,851,541	4,743,414	166%
Capital contributions	68,684	1,482,878	2,214,500	-731,622	-33%
Capital grants and subsidies	2,856,502	15,690,910	19,234,380	-3,543,470	-18%
Other capital income (expense)	-1,492,079	-1,072,680	-2,856,273	1,783,593	-62%
Net result for period	2,199,427	23,696,063	21,444,148	2,251,915	11%

BURDEKIN SHIRE COUNCIL
STATEMENT OF FINANCIAL POSITION
As at 30 June 2025

Appendix 3

	Year to Date Actual \$	Annual Budget \$
Current Assets		
Cash and Cash Equivalents	78,062,625	32,397,349
Financial Assets	12,000,000	42,000,000
Receivables	2,550,273	1,723,619
Inventories	580,693	703,649
Contract Assets	443,859	0
Other Assets	2,398,410	2,557,194
Total Current Assets	96,035,860	79,381,811
Non-Current Assets		
Receivables	258,897	321,264
Property, Plant and Equipment	700,035,759	678,105,818
Intangibles Assets	190,408	190,395
Other Assets	33,445	100,317
Total Non-Current Assets	700,518,509	678,717,794
TOTAL ASSETS	796,554,369	758,099,605
Current Liabilities		
Payables	8,288,370	7,393,813
Provisions	7,680,441	7,862,338
Contract Liabilities	5,803,533	1,209,364
Other Liabilities	580,131	579,651
Total Current Liabilities	22,352,475	17,045,166
Non-Current Liabilities		
Provisions	17,898,953	18,215,199
Other Liabilities	600,351	600,351
Total Non-Current Liabilities	18,499,304	18,815,550
TOTAL LIABILITIES	40,851,779	35,860,716
NET COMMUNITY ASSETS	755,702,590	722,238,889
Community Equity		
Asset Revaluation Surplus	437,228,230	406,023,045
Retained Surplus (deficiency)	318,474,360	316,215,844
TOTAL COMMUNITY EQUITY	755,702,590	722,238,889

BURDEKIN SHIRE COUNCIL
STATEMENT OF CASH FLOWS
For Period Ending 30 June 2025

Appendix 4

	Year to Date Actual \$	Annual Cashflow Budget \$
Cash Flows from Operating Activities		
Receipts		
Receipts from Customers	50,867,968	50,334,280
Payments to Suppliers and Employees	-50,341,577	-46,696,213
	526,390	3,638,067
Interest Received and Investment Revenue Received	4,919,809	3,999,000
Operating Grants, Subsidies and Contributions	15,878,117	11,490,485
Other	4,186,689	617,915
Net Cash Inflow (Outflow) from Operating Activities	25,511,005	19,745,467
Cash Flows from Investing Activities		
Proceeds from Sale of Property, Plant and Equipment	343,212	774,434
Grants, subsidies, contributions and donations	10,778,348	10,886,149
Purchase of investments	30,000,000	0
Payments for Property, Plant and Equipment	-34,776,889	-45,125,263
Payments for rehabilitation work	0	-30,000
Net Movement in Loans to Community Organisations	60,387	0
Net Cash Inflows (Outflow) from Investing activities	6,405,058	-33,494,680
Net Increase (Decrease) in Cash and Cash Equivalents Held	31,916,063	-13,749,213
Cash and Cash Equivalents at Beginning of the Financial Year	46,146,562	46,146,562
Cash and Cash Equivalents at end of the Period	78,062,625	32,397,349

6.4.1. GOVERNANCE

Trustee Lease - Lease O on Part of Lot 91 on Crown Plan GS980, Macmillan Street Ayr - Burdekin Art Society Inc.

File Reference: 1449

Report Author: Kimi Waterson, Governance and Property Officer

Authoriser: Kim Olsen, Director Corporate and Community Services

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

- Demonstrate open and transparent decision-making, leadership and financial management.
- Responsibly manage Council's financial position to ensure sustainability.
- Undertake regulatory responsibilities in accordance with legislative obligations.

Burdekin Shire Council Operational Plan 2024-2025

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

Executive Summary

Council approval is requested to enter into a Trustee Lease as follows:

Lessor: Burdekin Shire Council
Lessee: Burdekin Art Society Inc.
Leased Area: Lease O on part of Lot 91 on Crown Plan GS980
Term: Ten (10) years, 1 November 2025 to 31 October 2035 (Nil Options)
Rent: \$0.10 per annum (if demanded).

Recommendation

That Council agrees in principle to enter into a Trustee Lease with Burdekin Art Society Inc. over part of Lot 91 on Crown Plan GS980, shown as Lease O on Attachment 1, for a renewed term of ten (10) years being 1 November 2025 to 31 October 2035 (Nil Options) for uses consistent with recreation purposes.

The Trustee Lease will be subject to the Prescribed Terms pursuant to the *Land Regulation 2020 (Qld)* and Council's Standard Tenure Terms for a Trustee Lease.

Background

Burdekin Shire Council (Council) are the registered Trustee over Reserve R173 described as Lot 91 on Crown Plan GS980. The reserve is designated for Recreation and Sports Ground purposes.

Burdekin Art Society Inc. are the registered Lessee of Lease O on part of Lot 91 on Crown Plan GS980 for the period 1 November 2015 to 31 October 2025.

Burdekin Art Society Inc. have confirmed in writing their intention to enter into a further ten (10) year Trustee Lease term with Council commencing 1 November 2025.

The Trustee Lease will be subject to the Prescribed Terms pursuant to the *Land Regulation 2020 (Qld)* and Council's Standard Tenure Terms for a Trustee Lease. The *Land Regulation 2020 (Qld)* is subordinate legislation to the *Land Act 1994* and outlines the State's requirements for Trustee Leases. Council's Standard Terms outline Council specific requirements.

The Lessees permitted use of the land will be consistent with the purpose of the trust land.

Consultation

Director Corporate and Community Services

Budget & Resource Implications

Staff resources and Legal representation will be utilised to prepare Trustee Lease documentation.

The Lessee will bear the associated costs including, but not limited to, the costs of obtaining a registrable lease plan and lease registration fees.

Legal Authority & Implications

Local Government Regulation 2012 – Section 236

Land Act 1994 – Section 57(1) and 61 (3) (a)

Land Regulation 2020

Policy Implications

This Lease is in compliance with the revised Council Property and Leasing Policy.

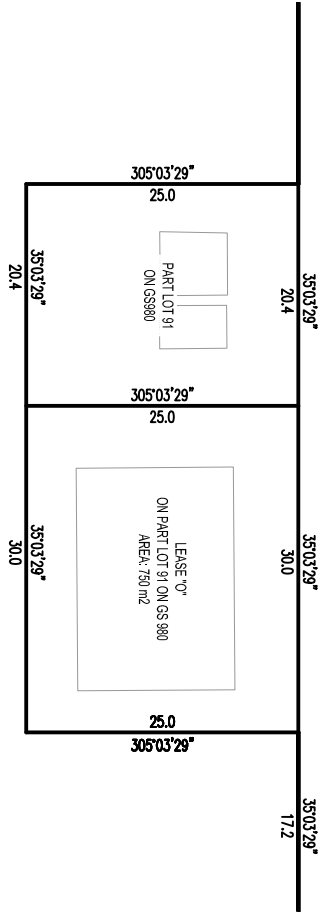
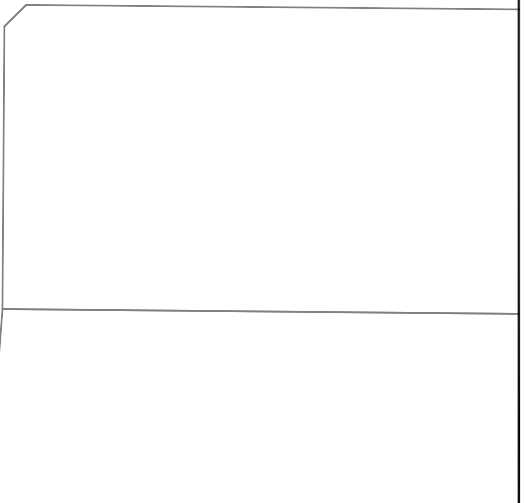
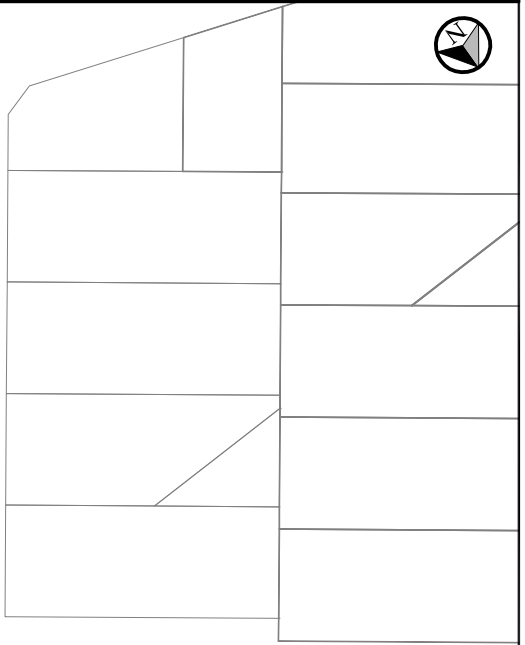
Risk Implications (Strategic, Operational, Project Risks)

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

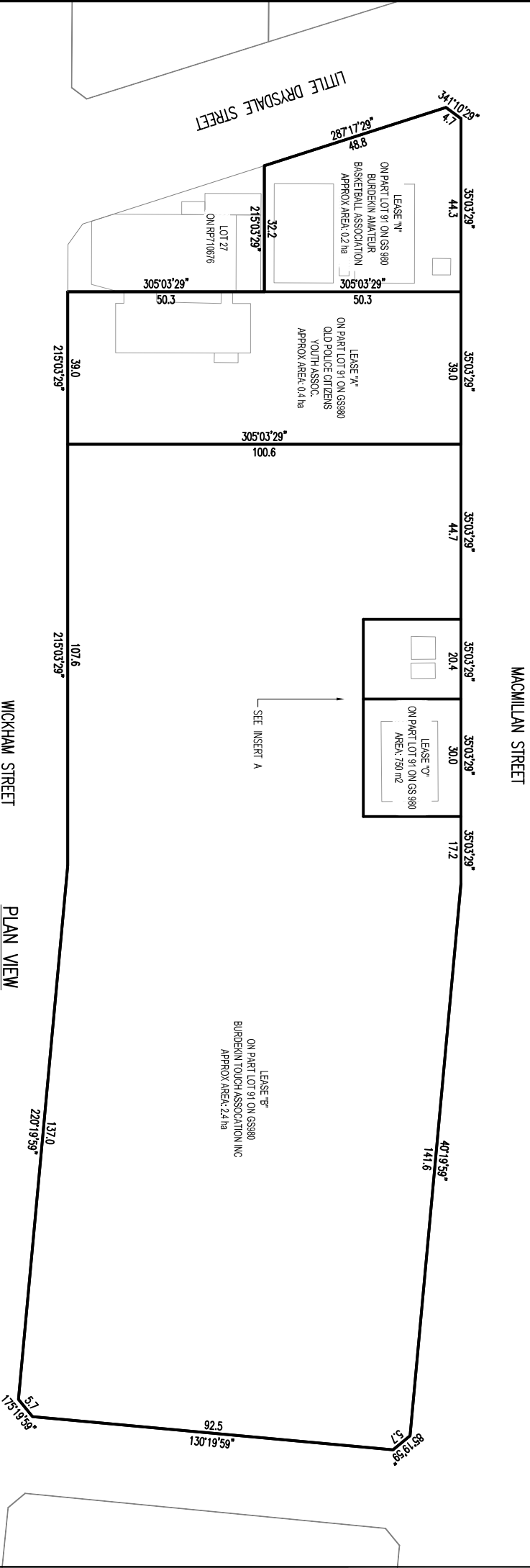
By formalising tenure arrangements, it reduces the risk of unenforceable arrangements and inappropriate use of Council land/property by providing appropriate and consistent tenure guidelines.

Attachments

1. Plan - Lease O Lot 91 CP GS980



INSERT A
SCALE 1:500



WICKHAM STREET

PLAN VIEW

SCALE 1:1000

PLAN OF LEASE A, B, N & O

ON PART LOT 91 ON GS980



Burdekin Shire Council

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Job Number	Sheet Number	Plan Number	Revision
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N/A	1 OF 1	IF-008	A
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W/M	1	5	1	EE	300	1
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Recommended Date	Approved Date
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[illegible]

6.4.2. GOVERNANCE

LGAQ Annual Conference 2025 Motion - Welcome to Country Protocols

File Reference: 1029

Report Author: Rebecca Stockdale, Senior Governance Officer

Authoriser: Kim Olsen, Director Corporate and Community Services

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

- Support projects and activities to improve public safety, health, and inclusiveness through strategic partnerships.
- Encourage equitable access to facilities and resources.
- Provide ongoing support for art, culture, youth, seniors, and welfare activities.
- Build active communities by delivering programs promoting regular physical activity and wellbeing.

Executive Summary

This report seeks Council's endorsement to submit a motion to the LGAQ 2025 Annual Conference to be held in October, calling for the development of a statewide framework for welcome to country protocols. The LGAQ Annual Conference provides an opportunity for Local Governments across the state to raise issues that are of state-wide importance so that LGAQ, as the peak representative body, can advocate to State and/or Federal Governments on behalf of the Local Government sector.

The attached motion provides a detailed background and case study highlighting a recent local example and articulates the desired outcome sought.

Recommendation

That Council endorses the submission regarding a Statewide Framework for Authorised Welcome to Country Protocols as per the attached motion for the 2025 LGAQ Annual Conference.

Background

Welcome to Country ceremonies are an important cultural protocol conducted by Traditional Owners to welcome visitors to their ancestral land. While not legally required, they are widely expected at major public events and carry reputational significance.

Determining who holds the appropriate cultural authority to deliver a Welcome to Country can be complex, particularly in areas where multiple Traditional Owner groups exist or where there are overlapping Native Title claims. This complexity has become increasingly relevant for Burdekin Shire Council, following conflicting advice from Traditional Owner organisations in relation to the 2025 Sweet Days Hot Nights Festival. Council was placed in a difficult position when long-standing arrangements for the Welcome to Country were challenged late in the planning process by the Registered Native Title Body Corporate, resulting in confusion, reputational risk, and uncertainty.

The lack of a consistent, State-endorsed framework to guide engagement with Traditional Owners has highlighted a significant gap for Local Governments. A clear and transparent protocol would support councils in facilitating culturally respectful ceremonies while avoiding conflict and ensuring Traditional Owner wishes are upheld.

Consultation

Council discussed the proposed motion at a workshop on 15 July 2025.

Budget & Resource Implications

There are no additional budgetary implications associated with the submission of this motion. Attendance at the Annual Conference by two delegates and two (2) observers has been budgeted for.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

There is currently no centralised or publicly accessible register that identifies authorised individuals or organisations to perform Welcome to Country ceremonies. This creates challenges and introduces potential risks for local governments and event organisers striving to engage respectfully and in good faith with Traditional Owners.

Existing Queensland Government guidance recommends consultation with local Elders, Traditional Owner groups, or land councils, but the diversity of Aboriginal and Torres Strait Islander communities and the nuances of cultural protocol can make these processes difficult to navigate. Conflicting advice from different groups, or changes in direction late in event planning, can further complicate respectful engagement.

A consistent, transparent, and culturally appropriate framework developed at a State level would help Local Governments navigate these complex issues and mitigate the associated risks with confidence and cultural integrity, while avoiding conflict and ensuring Traditional Owner wishes are respected.

Attachments

1. Burdekin Shire Council_LGAQ Annual Conference 2025_Motion_Welcome to Country

2025 LGAQ Annual Conference – Motion Template

Who is the key contact for this motion? (required)	<i>Matthew Magin</i>
Submitting council (required)	<i>Burdekin Shire Council</i>
Supporting organisation (if applicable)	<i>N/A</i>
Council resolution # (required)	<i>Please provide a reference number for the council resolution/meeting minutes, endorsing this motion.</i>
Date of council resolution (required)	<i>Please provide the date that this motion was endorsed by council.</i>
<input type="checkbox"/> <input checked="" type="checkbox"/> Does this motion have state-wide relevance? <i>For a motion to be accepted, it must have state-wide relevance / this box must be ticked.</i>	
Title of motion (required)	<i>Development of a Statewide Framework for Authorised Welcome to Country Protocols</i>
Motion (required)	<i>That the Local Government Association of Queensland (LGAQ) calls on the Queensland Government to develop and implement a consistent, transparent, and culturally appropriate framework for the recognition and ratification of Welcome to Country ceremonies.</i>
What is the desired outcome sought? (required) 200 word limit	<p><i>Implementing such a framework would assist local governments in facilitating culturally appropriate ceremonies, prevent conflicts, and uphold the integrity of Indigenous cultural practices, all without transferring additional responsibilities or costs to local governments.</i></p> <p><i>This framework should:</i></p> <ul style="list-style-type: none"> <i>Clearly identify the appropriate Registered Native Title Body Corporates (RNTBCs) or other recognised Traditional Owner representative bodies authorised to perform Welcome to Country ceremonies;</i> <i>Provide guidance to local governments and event organisers to ensure culturally respectful engagement with Traditional Owners;</i> <i>Mitigate conflicts arising from overlapping claims or disputes among Traditional Owner groups; and</i>

	<ul style="list-style-type: none"> • <i>Ensure that the framework does not impose additional responsibility or costs on local governments.</i>
Background (required) 350 word limit	<p><i>A Welcome to Country is a formal ceremony conducted by Aboriginal or Torres Strait Islander Traditional Owners to welcome visitors to their ancestral land. This practice is a significant cultural protocol that acknowledges the Traditional Owners' connection to the land and is typically performed at major public events and formal functions. There is no legal requirement to hold a Welcome to Country nor are there any legal ramifications if an event organiser chooses not to hold a Welcome to Country, however there may be political and reputational risks associated with that position.</i></p> <p><i>According to the Queensland Government, a Welcome to Country should be delivered by a Traditional Owner or Custodian with the authority to speak for the land on which the event is taking place. This authority is often vested in Elders or individuals recognised by their community as having the cultural knowledge and permission to conduct such ceremonies.</i></p> <p><i>However, determining who holds the appropriate authority can be complex, particularly in areas where multiple Traditional Owner groups exist or where there are overlapping native title claims. There can also be mixed messages from the Traditional Owner groups on what they want and/or expect from event organisers. The lack of a publicly accessible and comprehensive register of authorised individuals or groups can lead to confusion for event organisers and local governments seeking to engage respectfully with Traditional Owners.</i></p> <p><i>The Queensland Government advises event organisers to consult with local Elders, Traditional Owner groups, or land councils to identify the appropriate person to perform a Welcome to Country. However, this process can be challenging due to the diversity of Aboriginal and Torres Strait Islander communities and the nuances of cultural protocols.</i></p>
Case study/ Example (optional) 350 word limit	<p><i>The Sweet Days Hot Nights Festival is a signature biennial event in the Burdekin region, held on trust land leased to the Gudjuda Reference Group Aboriginal Corporation — a not-for-profit Indigenous social enterprise. Gudjuda has longstanding cultural and operational ties to the site and Council have traditionally</i></p>

liaised with Gudjuda in relation to the Welcome to Country ceremony at the festival. Several Gudjuda members are also Juru People who are direct descendants of the recognised Traditional Owners of the land.

In 2025, Council was preparing for the festival in collaboration with Gudjuda, including planning for the Welcome to Country ceremony as in previous years. However, at a late stage in the planning process, Council received formal correspondence from Kyburra Munda Yalga Aboriginal Corporation — the Registered Native Title Body Corporate (RNTBC) representing the Juru People — advising that the Juru People had previously voted to ban all Welcome to Country ceremonies on their ancestral land. This directive was in direct contradiction to earlier advice and arrangements made with Gudjuda. This created significant confusion and placed Council in the position of trying to determine which group had the ultimate authority to approve who can perform a Welcome to Country Ceremony. The lack of publicly accessible and clearly defined information or protocols made it difficult for Council to resolve the matter confidently or sensitively.

The experience demonstrated how, in the absence of a clear and consistent framework, local governments and event organisers can be placed in challenging positions when conflicting advice is received from Traditional Owner groups or representative bodies. In this instance, additional pressure was placed on Council and festival organisers to navigate complex cultural protocols without access to clear, authoritative guidance or easily accessible information. A more robust and transparent State-endorsed system would help reduce these uncertainties and ensure respectful engagement with the appropriate Traditional Owners.

6.4.3. GOVERNANCE

LGAQ Annual Conference 2025 Motion - Addressing the Housing Crisis Through Rental Reforms

File Reference: 1029

Report Author: Rebecca Stockdale, Senior Governance Officer

Authoriser: Kim Olsen, Director Corporate and Community Services

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

- Demonstrate open and transparent decision-making, leadership and financial management.
- Pursue excellence in financial management.
- Responsibly manage Council's financial position to ensure sustainability.
- Implement effective governance frameworks.
- Undertake regulatory responsibilities in accordance with legislative obligations.

Executive Summary

This report seeks endorsement from Council to submit a motion to the Annual LGAQ conference to be held in October regarding Residential Tenancies Act Reforms to Address Housing Availability.

The attached motion provides detailed background information and the desired outcomes to be achieved.

Recommendation

That Council endorses the submission of the motion to the LGAQ Annual Conference 2025, as attached to this report, calling for reforms to the Residential Tenancies Act to address housing availability across the State.

Background

Many Queensland communities are faced with a shortage of available housing stock, due to a wide range of factors. One possible factor contributing to the housing crisis is the reluctance of property owners to lease out their property due to the risks associated with damage and loss of income and the limited legal protections available to landlords. Legislative reform aimed at providing greater financial protections to landlords may improve the supply of rental properties, thus improving housing outcomes.

Consultation

The proposed motion was discussed at a Council Workshop on 15 July 2025.

Budget & Resource Implications

There are no additional budgetary implications associated with the endorsement of this motion.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

The submission of this motion to the LGAQ conference is aimed at addressing the risk of housing supply shortages within Queensland communities.

Attachments

1. Burdekin Shire Council_LGAQ Annual Conference 2025_Motion_Housing_Rental Reform

2025 LGAQ Annual Conference – Motion Template

Who is the key contact for this motion? (required)	<i>Matthew Magin.</i>
Submitting council (required)	<i>Burdekin Shire Council</i>
Supporting organisation (if applicable)	<i>N/A.</i>
Council resolution # (required)	<i>Please provide a reference number for the council resolution/meeting minutes, endorsing this motion.</i>
Date of council resolution (required)	<i>Please provide the date that this motion was endorsed by council.</i>
<input type="checkbox"/> <input checked="" type="checkbox"/> Does this motion have state-wide relevance? <i>For a motion to be accepted, it must have state-wide relevance / this box must be ticked.</i>	
Title of motion (required)	<i>Residential Tenancies Act Reform to Address Housing Availability</i>
Motion (required)	<p><i>That the Local Government Association of Queensland calls on the Queensland Government to undertake a review of the Residential Tenancies and Rooming Accommodation Act 2008 with a view to restoring a balanced framework of rights and responsibilities between landlords and tenants, and addressing barriers that discourage property owners from making vacant housing stock available for rent.</i></p> <p><i>Specifically, the State Government should be asked to:</i></p> <ul style="list-style-type: none"> <i>Investigate legislative reforms that strengthen protections for landlords in cases of significant financial loss due to tenant actions (such as extensive rental arrears or property damage).</i> <i>Consider the introduction of criminal penalties (in addition to existing wilful or malicious damage laws) for tenants whose deliberate actions result in serious and repeated breaches, beyond a defined threshold, that would otherwise only be pursued through civil proceedings.</i> <i>Engage in broad consultation with landlords, tenants, property managers, and local governments to ensure reforms address housing availability without compromising fairness or legal integrity.</i>

<p>What is the desired outcome sought? (required) 200 word limit</p>	<p><i>Restored confidence in the rental market, protection for responsible landlords and tenants and increased in available housing stock that could help ease the supply pressures in Queensland communities.</i></p>
<p>Background (required) 350 word limit</p>	<p>Local governments across Queensland are grappling with the impacts of the housing crisis, with communities experiencing rising demand for rental accommodation, growing waitlists for social housing, and increasing rates of housing stress. While efforts are being made to boost housing supply, Councils are concerned that there is a significant volume of existing private rental housing that remains vacant - held back from the market due to property owners' valid concerns about inadequate legal protections under the current Residential Tenancies framework.</p> <p>Feedback from local stakeholders suggests that some landlords are reluctant to rent out their properties due to perceived risks around rental default, malicious damage, and the limited remedies available to them when serious issues arise. Currently, landlords must pursue redress through the civil court system, a process that can be lengthy, costly, and often ineffective in cases of wilful tenant misconduct.</p>
<p>Case study/ Example (optional) 350 word limit</p>	<p><u>Landlady's shock damage bill after horror find in rental - realestate.com.au</u></p> <p><i>In a distressing incident reported in Toowoomba, a landlord discovered extensive damage to her rental property after the tenant vacated. The property was found in a deplorable state, with maggots, faeces, and significant rubbish accumulation throughout. The damage costs escalated to approximately \$70,000 with the landlord's insurer picking up much of the bill. The landlord, however, is reportedly still out of pocket and has been traumatized by the experience, stating that she will never again rent the property to a single family again and now instead rents out the property as a rooming house for separate individuals.</i></p>

6.4.4. GOVERNANCE

LGAQ Annual Conference 2025 Motion - Sector-wide AI Policy

File Reference: 1029

Report Author: Rebecca Stockdale, Senior Governance Officer

Authoriser: Kim Olsen, Director Corporate and Community Services

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

- Demonstrate open and transparent decision-making, leadership and financial management.
- Pursue excellence in financial management.
- Responsibly manage Council's financial position to ensure sustainability.
- Implement effective governance frameworks.
- Undertake regulatory responsibilities in accordance with legislative obligations.

Executive Summary

This report seeks Council's endorsement for a motion to be submitted for LGAQ 2025 Annual Conference to be held in October. The LGAQ Annual Conference provides an opportunity for Local Governments across the state to raise issues that are of state-wide importance so that LGAQ, as the peak representative body, can advocate to State and/or Federal Governments on behalf of the Local Government sector.

Rapid technological advances in the Artificial Intelligence (AI) space have introduced a range of opportunities and risks to the Local Government sector. Opportunities for enhanced service delivery and improved efficiencies are also accompanied by a range of risks such as cyber security, privacy breaches, and failure to keep pace with change. The attached motion has been developed, calling for the LGAQ to advocate for a sector-wide AI Policy Framework to support Queensland Local Governments in the ethical, efficient and community-focused use of AI technologies.

Recommendation

That Council endorses the submission regarding a Sector-wide Artificial Intelligence (AI) Policy Framework as per the attached motion for the 2025 LGAQ Annual Conference.

Background

There is currently no specific guidance available in relation to the safe, ethical and efficient use of AI technologies within the context of Local Government. A sector-wide framework would help Councils to navigate the complex legal, ethical and technical considerations related to the use of AI.

Consultation

Council discussed the proposed motion at a workshop on 15 July.

Budget & Resource Implications

There are no additional budgetary implications associated with endorsing this motion. Attendance at the conference by two (2) delegates and two (2) observers has been budgeted for.

Legal Authority & Implications

Not Applicable.

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

Endorsing the submission of this motion to the LGAQ Annual Conference helps to proactively address emerging risks associated with the use of artificial intelligence (AI) in Local Government operations. Without a sector-specific policy framework, Councils may face increased exposure to risks including data privacy breaches, ethical misuse of AI applications, decision-making bias, regulatory non-compliance, and erosion of community trust.

Attachments

1. Burdekin Shire Council_LGAQ Annual Conference 2025_Motion_Sector Wide AI Policy

2025 LGAQ Annual Conference – Motion Template

Who is the key contact for this motion? (required)	Paul John Day (Manager, Environment and Health Services) – paul.day@burdekin.qld.gov.au
Submitting council (required)	Burdekin Shire Council
Supporting organisation (if applicable)	N/A
Council resolution # (required)	BSC-2025-07-001
Date of council resolution (required)	8/07/2025
<input checked="" type="checkbox"/> Yes (this motion is clearly of state-wide relevance)	
Title of motion (required)	Development of a Sector-Wide AI Policy Framework and Support for Adoption of Ethical, Efficient AI in Local Government
Motion (required)	<p>That the Local Government Association of Queensland (LGAQ) calls on the State Government to:</p> <ul style="list-style-type: none"> - Lead the development of a sector-wide AI Policy Framework to guide Queensland councils in the ethical, efficient, and community-focused use of AI technologies. - Support and encourage Queensland councils to adopt AI technologies through existing secure platforms that safeguard data privacy, security, and community trust.
What is the desired outcome sought? (required) 200 word limit	<p>To ensure that Queensland local governments are equipped to use artificial intelligence effectively, ethically, and securely to improve service delivery and operations. A consistent, sector-wide AI Policy Framework will provide clear guidance, mitigate risks, and ensure community trust in council AI use. Encouraging adoption through existing secure platforms will help councils modernise efficiently while safeguarding sensitive information and aligning with best practices.</p>

<p>Background (required) 350 word limit</p>	<p>Artificial Intelligence (AI) is rapidly transforming service delivery, decision-making, and operational efficiency across sectors globally. For local governments, AI offers opportunities to enhance customer service, streamline processes, and improve resource allocation.</p> <p>However, without a clear, sector-wide policy framework, councils face inconsistent practices, potential ethical issues, and risks to data security and community trust. There is currently no unified guidance tailored to the local government context in Queensland.</p> <p>A framework developed by the LGAQ in collaboration with the State Government would help councils navigate the complex legal, ethical, and technical considerations of AI. Encouraging the use of secure, existing platforms would also ensure that councils adopt AI responsibly without reinventing solutions or exposing themselves to unnecessary risks.</p> <p>This motion addresses the growing need to modernise operations responsibly, ensuring councils can harness AI's benefits while upholding public confidence and ethical standards.</p>
<p>Case study/ Example (optional) 350 word limit</p>	<p>For example, some councils have experimented with AI-powered chatbots for customer service, reducing wait times and freeing up staff for higher-value tasks. Others have piloted AI-driven analysis of infrastructure data to better prioritise maintenance.</p> <p>These initiatives demonstrate potential but vary greatly in implementation quality and risk management. A unified framework would allow all councils to learn from these experiences and adopt AI in a coordinated, safe manner.</p>

7.3.1. PLANNING AND DEVELOPMENT

Change Application (Minor) for Development Permit MCU23/0013 for Reconfiguring a Lot (Boundary Realignment) and Material Change of Use - Indoor Sport and Recreation (Extension of Existing Gym) - 5 Little Drysdale Street and 177 Macmillan Street, Ayr, on land described as Lot 5 on RP882395 & Lot 32 on A26516

File Reference: MCU23/0013 226

Report Author: Kellie Galletta, Manager Planning and Development

Authoriser: James Stewart, Director Infrastructure Planning and Environmental Services

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

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

Burdekin Shire Council Operational Plan 2024-2025

PD1 Review the Burdekin Shire Council Planning Scheme December 2022 and submit amendments to the State.

Executive Summary

Council is in receipt of a Change Application (Minor) properly made on 19 June 2025 by Tonion Investments Pty Ltd, seeking a minor change to the staging approved in the existing Development Permit for MCU23/0013 - Reconfiguring a Lot (Boundary Realignment) and Material Change of Use - Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages) located at 5 Little Drysdale Street and 177 Macmillan Street, Ayr, located at Lot 5 on RP882395 and Lot 32 on A26516, to enable the development to be undertaken over three (3) stages, rather than two (2) stages.

Recommendation

That Council:

1. Agree in full to the Change Representations made by the applicant and amend, in part, the conditions reflective of staging requirements only in the Decision Notice, being:
 - Approved Plans and Documents: Condition 2.1(ii) and Condition 2.6
 - Nature and Extent of Approved Use: Condition 5.1
 - Staged Development: Condition 6.1
 - Roadworks, Access, Parking and Traffic: Condition 8.1, Condition 8.2 and Condition 8.3.2
 - Nuisance - Acoustic Management and Noise Levels: Conditions 11.1 - 11.3 and 12.1 - 12.2
 - Infrastructure and Servicing: Conditions 15.1 - 15.11
 - Amenity and Safety - Landscaping, Fencing and Screening: Conditions 17.2 - 17.4; and
2. Issue a Changed Decision Notice to reflect the agreed changes to Conditions as set out in Attachment A (including any minor administrative amendments) and include the amended plans in Attachment B.

Background

Original Application

The original application, MCU23/0013, was approved by Council on 23 July 2024. A copy of the Decision Notice and approved plan is provided as Attachment C.

Public Notification and Properly Made Submission

While the original application required public notification (with one properly made submission received during the public notification period), it is considered that the change to staging does not introduce new or additional impacts and is considered a minor change, therefore additional public notification is not required.

Nature of the Minor Change Application

The applicant, Tonion Investments Pty Ltd, has lodged a minor change application under section 78 of the *Planning Act 2016* to amend the original development approval (MCU23/0013) for the extension of an existing gym and boundary realignment at 5 Little Drysdale Street and 177 Macmillan Street, Ayr.

The change specifically seeks to revise the staging of the approved development from two (2) stages to three (3) stages, allowing for more practical and sequential delivery of the works.

The proposed revised staging is:

- Stage 1: Reconfiguration of a Lot (Boundary Realignment);
- Stage 2: Building works within the existing building, including additions, enclosures, and awnings;
- Stage 3: Construction of a new building (including new amenities) as an extension of the gym facility.

The purpose of the minor change is to facilitate the change in ownership of the land that will allow the development to occur in sequence. This will include condition compliance, constructing new fencing and obtaining the necessary building approvals as the owner of the subject land.

The change requires updates to multiple conditions to reflect the revised staging but does not result in substantially different development, introduce prohibited development, trigger additional referrals, or require further public notification. As such, the proposed change qualifies as a minor change under the *Planning Act 2016*.

Full details of the change application as made by the applicant is provided at Attachment D.

Officers Assessment

The assessment of the application has been carried out against Section 81 of the *Planning Act 2016* and the Development Assessment Rules v2.0.

The proposed change application is consistent with the definition of a Minor change under the Act as the change will not result in a substantially different development. Schedule 1 of the Development Assessment Rules states that development is considered to result in a substantially different development if any of the following apply to the proposed change:

(a) <i>involves a new use</i>	No. The Minor Change Application does not seek approval of any additional uses to be included in the development.
(b) <i>results in the application applying to a new parcel of land</i>	No. The Minor Change Application does not involve a new parcel of land.
(c) <i>dramatically changes the built form in terms of scale, bulk and appearance</i>	No. The minor change does not alter the built form or appearance.
(d) <i>changes the ability of the proposed development to operate as intended</i>	The proposed development does not change the ability of the approved development to operate as intended.
(e) <i>removes a component that is integral to the operation of the development</i>	No. The Minor Change Application does not remove a component that is integral to the operation of the development.
(f) <i>significantly impacts on traffic flow and the transport network, such as increasing traffic to the site</i>	There is no impact on traffic as result of the amendment to staging.
(g) <i>introduces new impacts or increases the severity of known impacts</i>	The proposed change to staging will not result in any new impacts or increase the severity of known impacts.

(h) <i>removes an incentive or offset component that would have balanced a negative impact of the development</i>	No. The Minor Change Application does not remove an incentive or offset component.
(i) <i>impacts on infrastructure provisions</i>	No. The Minor Change Application does not impact infrastructure provision.

If a development application for the development, including the change, were made when the change application is made would not cause –

<i>The inclusion of prohibited development; or,</i>	Yes	The change does not propose the inclusion of any prohibited development in accordance with the <i>Planning Regulation 2017</i> .
<i>Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or,</i>	N/A	The State Assessment and Referral Agency was a referral agency for the original application.
<i>Referral to extra referral agencies, other than to the chief executive; or</i>	Yes	The change would not require referral to additional referral agencies.
<i>A referral agency, in assessing the application under section 55 (2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or</i>	Yes	The original application was referable to NQSARA for impact on State Transport Infrastructure. The minor change to staging does not trigger any additional matters for assessment.
<i>Public notification if public notification was not required for the development application.</i>	Yes	The original application was impact assessable and therefore public notification was required.

When viewed holistically, and having regard to the supporting technical material and the relevant case law, it is reasonable to conclude that the change to the existing development approval will not result in a “substantially different development”.

The supporting material suggests that the change does not fundamentally change the development, which remains as Indoor Sport and Recreation at the same scale.

The *Planning Act 2016* requires the change application to be assessed against the assessment matters that applied when the original application was made but may have regard to the matters that now apply. No changes to the land use are proposed, only the staging and delivery of the development.

It is considered that the development including the proposed minor change remains consistent with the *Burdekin Shire Planning Scheme December 2022*.

2022 Planning Scheme Provision	Proposal / Officer Comment
Strategic Framework and Strategic Intent <i>Themes include:</i> (i) <i>Liveable communities and infrastructure</i> (ii) <i>Economic growth</i> (iii) <i>Safe and resilient communities</i>	The proposed development continues to generally align with the outcomes sought by the Strategic Framework, in particular those for 2.3 Liveable Communities and Infrastructure.

2022 Planning Scheme Provision	Proposal / Officer Comment
<p><i>(iv) Natural resources, the environment and Heritage.</i></p> <p>Strategic Outcomes specifically relevant to this development is:</p> <p>2.3 <i>Liveable communities and infrastructure:</i></p> <p>2.3.1 - <i>Burdekin's urban structure</i></p> <p>2.3.3 - <i>Centres</i></p>	
<p>Centre Zone Code</p> <p>Overall outcomes specifically relevant to this development is:</p> <p><i>(a) land included in the centre zone in Ayr, Home Hill and Brandon accommodates a mix of uses, including commercial, community, government, entertainment and permanent and visitor accommodation activities;</i></p> <p><i>(b) retail and commercial services in each centre are provided at a level commensurate with the population served by the centre</i></p> <p><i>(g) development minimises impacts on the character and amenity of nearby land which is not included in the centre zone.</i></p>	<p>The proposed development remains compliant with the outcomes sought by the Centre Zone Code, where applicable.</p> <p>Key officer concerns in the original assessment of the application related to:</p> <ol style="list-style-type: none"> 1. traffic and parking impacts as the proposal does not include any on site car parking spaces; and 2. detrimental impacts to the existing character and amenity of adjoining properties located the low density residential zone. <p>The proposed amendment to staging does not increase the impacts or introduce new impacts.</p>
<p>Low Density Residential Zone Code</p> <p>Overall outcomes specifically relevant to this development is:</p> <p><i>(e) non-residential development:</i></p> <p><i>(i) is of a height and scale that is consistent with surrounding development;</i></p> <p><i>(ii) is oriented to the street front;</i></p> <p><i>(iii) maintains a consistent building alignment in the street;</i></p> <p><i>(iv) accommodates parking to the side or rear of buildings; and</i></p> <p><i>(v) minimises impacts on the amenity of nearby residential uses</i></p>	<p>The proposed development remains generally compliant with the outcomes sought by the Low Density Residential Zone Code.</p> <p>Key officer concerns in the original assessment of the application made, related to:</p> <ol style="list-style-type: none"> 1. scale of proposed development. 2. traffic and parking impacts as the proposal does not include any on site car parking spaces; and 3. detrimental impacts to the existing character and amenity of adjoining properties located the low density residential zone. <p>The proposed amendment to staging does not increase the impacts or introduce new impacts.</p>
<p>Development Works Code</p> <p><i>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.</i></p>	<p>The proposed amendment to staging does not increase the impacts or introduce new impacts in term of compliance with the Development Works Code and the conditions ensuring compliance remain unchanged.</p>
<p>Reconfiguring a Lot Code</p> <p><i>The purpose of the reconfiguring a lot code is to facilitate the development of attractive, accessible,</i></p>	<p>The proposed development remains compliant with the outcomes sought by Reconfiguring a Lot Code, where applicable.</p>

2022 Planning Scheme Provision	Proposal / Officer Comment
<i>safe and functional neighbourhoods, centres and industrial areas, and to protect Burdekin's natural resources and environmental and landscape values.</i>	The proposed reconfiguration is for a boundary realignment only. No new lots are proposed to be created.
Flood Hazard Overlay Code <i>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.</i>	The proposed development and the subject site are noted as being below the defined flood level and mapped as being subject to low – medium flood hazard in a river flood event. The proposed amendment to staging does not increase the impacts or introduce new impacts in term of compliance with the Flood Hazards Overlay Code and the conditions ensuring compliance remain unchanged.

Officers Recommendation

Following the assessment of the change application, it has been determined that the changes proposed are generally consistent with the intent of the original approval given for the Reconfiguring a Lot (Boundary Realignment) and Material Change of Use – Indoor Sport and Recreation (Extension of Existing Gym)

Accordingly, the change application is recommended for approval, subject to the amended conditions as included in Attachment A and the amended plans of development at Attachment B where the nature of the changes to the conditions of approval are listed with ~~strike through~~ indicating removal and **bold** text indicating amendments and/or insertions.

Description of the recommended changes are as follows:

Applicable Conditions	Proposed amendments to Conditions
Approved Plans and Documents	
2.1(ii)	<p>Updated to detail the three (3) stages of development as below:</p> <p>Stage 1 Works</p> <ul style="list-style-type: none"> Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516. <p>Stage 2 Works</p> <ul style="list-style-type: none"> New addition to building frontage not exceeding a maximum 50m² in GFA; Enclosure of existing awning not exceeding a maximum 122m² in GFA; Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and New awning over the footpath located along Little Drysdale Street. <p>Stage 3 Works</p> <p>Construction of new building (including new amenities) as an extension of the existing gym facility building.</p> <p><u>New advice note to be included:</u></p> <p><i>Note: the increase in site area created by the boundary realignment in Stage 1 cannot be used for the purpose of activities associated with a gym. The use on site can only be carried out in accordance with the conditions of approval. Any use of the revised outdoor area as a "gym" will require a</i></p>

Applicable Conditions	Proposed amendments to Conditions
	<i>further development approval from Council.</i>
2.6	Updated staging plan
Nature and Extent of Approved Use	
5.1	Updated to detail the three (3) stages of development as indicated above
Staged Development	
6.1	Updated to detail the three (3) stages of development as indicated above
Roadworks, Access, Parking and Traffic	
8.2	Updated to refer to revised Stage 3
8.3.2	Updated to refer to revised Stage 3
Acoustic Management and Noise Levels	
11	Updated to refer to revised Stages 2 & 3
12.1	Updated to refer to revised Stage 3
Infrastructure and Servicing	
15.1 - 15.3	Updated to refer to revised Stages 2 & 3
15.4 - 15.11	Updated to refer to revised Stage 3
Landscaping, Fencing and Screening	
17.3 - 17.4	Updated to refer to revised Stage 3

Refer Attachment A for the full suite of recommended conditions of approval for this minor change application

Consultation

Due to the minor nature of the change being to the staging only, no consultation has been undertaken with Technical Services and/or Environment and Health Officers. The change application was workshopped with the Mayor, Councillors and the Executive Leadership Team on the 15 July 2025.

Statutory Environment

Council is required to deal with and assess the Development Application in the context of the *Planning Act 2016*, *North Queensland Regional Plan* and the *Burdekin Shire Council Planning Scheme 2022*.

Budget & Resource Implications

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

Legal Authority & Implications

Council decision on the Change Application (minor) may attract an appeal in the Planning and Environment Court.

Policy Implications

Not applicable in concerning the acceptance of this report.

Risk Implications (Strategic, Operational, Project Risks)

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

Attachments

1. Attachment A - Recommended Conditions of Approval for Minor Change Decision Notice
2. Attachment B - Amended Plans of Approval
3. Attachment C - Original Decision Notice issued 23 July 2024
4. Attachment D - Copy of Minor Change Application dated 17 June 2025

Attachment A – Assessment Manager Recommended Conditions of Approval

Condition	Reason	Timing
1. General and Administration		
<u>Compliance with Conditions</u>		At all times.
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.		

Attachment A – Assessment Manager Recommended Conditions of Approval

Condition	Reason	Timing
<p>1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council.</p> <p><u>Infrastructure Conditions</u></p> <p>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.</p>		
2. Approved Plans and Documents		
<p><u>Approved Plans & Documents – Required Changes</u></p> <p>2.1 Submit to, and have approved in writing by Council, the following changes to the approved plans:</p> <p>(i) Master site plan prepared by Burdekin Building Design to be amended to reflect the ultimate and staged development where:</p> <ul style="list-style-type: none"> ▪ It does not exceed a maximum of 80% in total site coverage; and ▪ a boundary adjoining with residential zoned land achieves a: <ul style="list-style-type: none"> - maximum 3.5m in total building height from natural ground level; and - minimum 2.0m setback from the outermost projection of new buildings. <p>(ii) Stages of development are as follows:</p> <p>a) <u>Stage 1 Works</u></p> <ul style="list-style-type: none"> • New addition to building frontage not exceeding a maximum 50m² in GFA; • Enclosure of existing awning not exceeding a maximum 122m² in GFA; 	<p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, south eastern and southern boundary, the proposed development must be of a scale that is considered to maintain the existing privacy and amenity experienced by residents.</p>	<p>i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement.</p> <p>ii. Once approved, the use and associated works must be completed and maintained generally in accordance with the approved drawings and documents, at all times.</p>

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Condition	Reason	Timing
<ul style="list-style-type: none"> Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and New awning over the footpath located along Little Drysdale Street. <p>b) <u>Stage 2 Works</u></p> <ul style="list-style-type: none"> Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516); and Construction of new building (including new amenities) as an extension of the existing gym facility building. <p>a) <u>Stage 1 Works</u></p> <ul style="list-style-type: none"> <u>Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516).</u> <p>b) <u>Stage 2 Works</u></p> <ul style="list-style-type: none"> <u>New addition to building frontage not exceeding a maximum 50m² in GFA;</u> <u>Enclosure of existing awning not exceeding a maximum 122m² in GFA;</u> <u>Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and</u> <u>New awning over the footpath located along Little Drysdale Street.</u> 		

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Condition	Reason	Timing
<p>c) <u>Stage 3 Works</u></p> <ul style="list-style-type: none"> • <u>Construction of new building (including new amenities) as an extension of the existing gym facility building.</u> <p><u>Note: the increase in site area created by the boundary realignment in Stage 1 cannot be used for the purpose of activities associated with a gym. The use on site can only be carried out in accordance with the conditions of approval. Any use of the revised outdoor area as a “gym” will require a further development approval from Council.</u></p> <p>2.2 Once approved, the amended plans and documents will become the approved plans and documents.</p> <p>2.3 The proposed development must be completed, comply with and maintained, generally in accordance with the amended plans as per Conditions 2.1 and 2.2 as above, and drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.</p> <p>2.4 One full set of the most recent approved plans must be held on-site and available for inspection for the duration of the construction phase.</p> <p>2.5 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.</p>		

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Condition	Reason	Timing
2.6 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
Master – Cover Sheet	Ref No BBD2100021, Issue F, Sheet No B000	21.06.23
Master – Illustrations	Ref No BBD2100021, Issue F, Sheet No B002	21.06.23
Master – Site Plan <u>(as amended)</u>	Ref No BBD2100021, Issue F, Sheet No B101	21.06.23
Master – Floor Plan <u>(as amended)</u>	Ref No BBD2100021, Issue F, Sheet No B211	21.06.23
Master – Elevations	Ref No BBD2100021, Issue F, Sheet No B221	21.06.23
Master – Roof Plan	Ref No BBD2100021, Issue F, Sheet No B231	21.06.23
Proposed Reconfiguration Lots 6 & 7 cancelling Lot 5 on RP882395 and Lot 32 on A26516	Plan No. 56940/001 A	08.05.23
3. Outstanding Charges		
All rates and charges (including infrastructure charges), in arrears in respect of the land subject of the application, are to be paid in full prior to the commencement of the proposed use.		
4. Notice of Intention to Commence the Use		
A minimum two (2) weeks prior to the commencement of the use on the land subject to this 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.		
5. Nature and Extent of Approved Use		
5.1 This approval provides for a staged development comprising: <u>Stage 1 Works</u> <ul style="list-style-type: none"> New addition to building frontage not exceeding a maximum 50m² in GFA; 	The development must comply with all planning scheme requirements including definitions, nature and	At all times.

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Condition	Reason	Timing
<ul style="list-style-type: none"> Enclosure of existing awning not exceeding a maximum 122m² in GFA; Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and New awning over the footpath located along Little Drysdale Street. <p><u>Stage 2 Works</u></p> <ul style="list-style-type: none"> Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516); and Construction of new building (including new amenities) as an extension of the existing gym facility building. <p>a) <u>Stage 1 Works</u></p> <ul style="list-style-type: none"> <u>Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516).</u> <p>b) <u>Stage 2 Works</u></p> <ul style="list-style-type: none"> <u>New addition to building frontage not exceeding a maximum 50m² in GFA;</u> <u>Enclosure of existing awning not exceeding a maximum 122m² in GFA;</u> <u>Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and</u> <u>New awning over the footpath located along Little Drysdale Street.</u> 	<p>extent as approved and conditioned by this development permit.</p>	

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Condition	Reason	Timing
<p>c) <u>Stage 3 Works</u></p> <ul style="list-style-type: none"> • <u>Construction of new building (including new amenities) as an extension of the existing gym facility building.</u> <p><u>Note: the increase in site area created by the boundary realignment in Stage 1 cannot be used for the purpose of activities associated with a gym. The use on site can only be carried out in accordance with the conditions of approval. Any use of the revised outdoor area as a “gym” will require a further development approval from Council.</u></p> <p>5.2 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 and Condition 5.</p> <p>5.3 No other operations and/or activities are allowed other than that approved by this permit.</p> <p>5.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the applicant.</p> <p>5.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.</p>		
6. Staged Development		

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Condition	Reason	Timing
<p>6.1 Staging of the development is to occur in accordance with the staging indicated on the approved plans (as amended) listed within this development approval, subject to and modified by any conditions of this development approval, being:</p> <p><u>Stage 1 Works</u></p> <ul style="list-style-type: none"> • New addition to building frontage not exceeding a maximum 50m² in GFA; • Enclosure of existing awning not exceeding a maximum 122m² in GFA; • Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and • New awning over the footpath located along Little Drysdale Street. <p><u>Stage 2 Works</u></p> <ul style="list-style-type: none"> • Reconfiguration of a Lot – Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516); and • Construction of new building (including new amenities) as an extension of the existing gym facility building. <p>a) <u>Stage 1 Works</u></p> <ul style="list-style-type: none"> <u>• Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516).</u> <p>b) <u>Stage 2 Works</u></p> <ul style="list-style-type: none"> <u>• New addition to building frontage not exceeding a maximum 50m² in GFA;</u> 	<p>The development must comply as approved and conditioned by this development permit.</p>	<p>i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement.</p> <p>ii. Then at all times, the development must be completed and maintained generally in accordance with the approved amended drawings and documents.</p>

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Condition	Reason	Timing
<ul style="list-style-type: none"> <u>Enclosure of existing awning not exceeding a maximum 122m² in GFA;</u> <u>Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and</u> <u>New awning over the footpath located along Little Drysdale Street.</u> <p>c) <u>Stage 3 Works</u></p> <ul style="list-style-type: none"> <u>Construction of new building (including new amenities) as an extension of the existing gym facility building.</u> <p>6.2 Stages must be completed in sequential order (i.e. stage 1 must be completed before stage 2) as identified on the approved plans (as amended), listed within this development approval or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.</p> <p>6.3 The development must be carried out in accordance with those conditions applicable to one or more of the stages of the development.</p> <p>6.4 Unless otherwise expressly stated, the conditions must be read as being applicable to both stages.</p>		
7. Building Scale and Appearance and Urban Design		
<u>Building Height</u> 7.1 Maximum 3.5m in total building height from natural ground level permitted where a building adjoins a boundary with residential zoned land.	As the approved development will ultimately adjoin low density residential zoned land along its eastern, south eastern and southern	i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement.
<u>Site Coverage</u>		

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Condition	Reason	Timing
<p>7.2 Ultimate development is not to exceed a maximum 80% in total site coverage.</p> <p><u>Building Setbacks from Boundaries adjoining Residential Zoned Land</u></p> <p>7.3 A minimum 2.0m setback from the outermost projection of all new buildings is to be achieved where adjoining a boundary with residential zoned land.</p> <p><u>All Abilities Access</u></p> <p>7.4 The applicant must provide adequate access for people in wheelchairs by means of an unimpeded continuous path of travel from any adjacent roadway, other public lands and from any carparking bay allocated for use by people with a disability, to all parts of the development which are normally open to the public/other users.</p> <p><u>Urban Design</u></p> <p>7.5 Pedestrian entry points are to be easily identified and directly accessed from the street.</p> <p>7.6 The safety of all users of the development is to be maximised through the implementation of casual surveillance and sight lines, avoiding personal concealment and entrapment locations, provision of adequate lighting, the use of appropriate signage and wayfinding and clearly defined building entrances.</p> <p><u>Building Materials</u></p> <p>7.7 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><u>Property Numbering</u></p>	<p>boundary the proposed development must be of a scale and appearance that is considered to maintain the existing privacy and amenity experienced by residents.</p>	<p>ii. Then at all times, the development must be completed and maintained generally in accordance with the approved amended drawings and documents.</p>

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Condition	Reason	Timing
7.8 Legible property numbers must be erected at the premises and must be maintained. The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.		
8. Roadworks, Access, Parking and Traffic		
<p><u>Stage 4 2 Works</u></p> <p>8.1 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.</p> <p><u>Stage 23 Works</u></p> <p>8.2 Provide a statement/report prepared by a suitably qualified professional that demonstrates the proposed development will not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding area.</p> <p>8.3 Report must include a parking assessment prepared by a suitably qualified professional addressing all activities/operations associated with the development including, but not limited to:</p> <p>8.3.1 demonstrating that the existing parking in Little Drysdale Street and Macmillan Street is sufficient to meet the requirements during peak times; and</p> <p>8.3.2 how the development will accommodate for the additional car parks required under the planning scheme as a result of the additional floor area introduced in stage 2-3.</p> <p>8.4 Once endorsed by Council, the requirements and recommendations of the assessment must be implemented.</p>	<p>To ensure development is appropriately serviced by parking and access facilities in accordance with relevant legislation, code/s and policy direction and that the safety and amenity of road users and the community in this area is maintained if not enhanced.</p>	<p><u>1. Stage 23 Works</u></p> <p>i. Assessments and reporting to be completed for Stage 2 works prior to the release of the endorsed survey plan.</p> <p>ii. If required, technical details for any works required, are to be submitted to Council as part of an application for Operational Work.</p> <p>iii. Works to be completed prior to the commencement of the use.</p> <p>2. Then, to be maintained at all times.</p>

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Condition	Reason	Timing
<p>8.5 Any amended plan/s and the approved assessment report will form part of the approval.</p> <p>8.6 If additional on-street parking is required for the development, a minimum 1.8m wide concrete footpath must be constructed from the additional on-street car parks to the development to facilitate safe pedestrian movements. Footpath works will require the submission of an operational works application to Council.</p>		
Nuisance		
<p>9 Avoiding Nuisance and Environment and Health</p> <p>9.1 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 and/or interference with environmental values as a result of noise, lighting, odour, dust, volume of traffic generated, loss of privacy, aerosols, fumes, particles, or smoke or any other cause including an unhealthy, offensive, or unsightly condition because of contamination.</p> <p>9.2 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.</p> <p>10 Lighting</p> <p>The vertical illumination resulting from direct, reflected or incidental light coming from the site is not to exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up.</p> <p>11 Acoustic Management and Noise Levels</p> <p><u>Stage 4 2 and Stage 2-3</u></p>	<p>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>.</p>	<p>At all times, unless other timing is stipulated as part of this condition.</p>

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Condition	Reason	Timing																								
<p>11.1 The occupier of the building must ensure that the following noise levels are not exceeded (measured at the receptor in dBA) at the specified time during the operation.</p> <table><tr><th>Sensitive receptor</th><th>Time of day</th><th colspan="3">Acoustic quality objectives (measured at the receptor) <i>dB(A)</i></th></tr><tr><td></td><td></td><th><i>L</i>_{Aeq,adj,1hr}</th><th><i>L</i>_{A10,adj,1hr}</th><th><i>L</i>_{A1,adj,1hr}</th></tr><tr><td>for outdoor receptor</td><td>daytime and evening</td><td>50</td><td>55</td><td>65</td></tr><tr><td rowspan="2">for indoors receptor</td><td>daytime and evening</td><td>35</td><td>40</td><td>45</td></tr><tr><td>night-time</td><td>30</td><td>35</td><td>40</td></tr></table> <p>daytime means the period after 7a.m. on a day to 6p.m. on the day.</p> <p>evening means the period after 6p.m. on a day to 10p.m. on the day.</p> <p>night-time means the period after 10p.m. on a day to 7a.m. on the next day</p> <p><u>Stage 2 3 Works</u></p> <p>12.1 A noise impact assessment from a suitably qualified professional identifying potential noise impacts arising from the development and what treatments will be provided to effectively ameliorate these impacts is to be submitted to Council for review and endorsement, prior to the release of the endorsed survey plan.</p> <p>12.2 Certification must be submitted to Council from a suitably qualified professional that the development has been constructed and can operate in accordance with the requirements of the acoustic and</p>	Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) <i>dB(A)</i>					<i>L</i> _{Aeq,adj,1hr}	<i>L</i> _{A10,adj,1hr}	<i>L</i> _{A1,adj,1hr}	for outdoor receptor	daytime and evening	50	55	65	for indoors receptor	daytime and evening	35	40	45	night-time	30	35	40		<p><u>Stage 23 Works only</u></p> <p>i) Assessments and reporting to be completed for stage 23 works and approved by Council prior to the release of the endorsed survey plan.</p> <p>ii) If required, works to be completed prior to the commencement of the use or the release of the</p>
Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) <i>dB(A)</i>																								
		<i>L</i> _{Aeq,adj,1hr}	<i>L</i> _{A10,adj,1hr}	<i>L</i> _{A1,adj,1hr}																						
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Condition	Reason	Timing
<p>noise level conditions of this development approval, prior to the release for the survey plan.</p> <p>13 Waste Management</p> <p>13.1 All solid wastes or other materials likely to produce contaminants shall be stored in bins with lids in place to prevent the ingress of stormwater.</p> <p>13.2 There shall be no release of litter or contaminants from the site to any roadside, drain or waters.</p> <p>13.3 All waste generated in carrying out the activity must be lawfully reused, recycled, or removed to a facility that can lawfully accept the waste.</p> <p>14 Complaint Management</p> <p>14.1 In the event of a complaint being received by Council in relation to any 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.</p> <p>14.2 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.</p> <p>14.3 If required as result of the reporting, the developer/operator must undertake any works within three (3) months at no cost to Council.</p> <p>15 Infrastructure and Servicing</p>		<p>Development Permit for Building Works, whichever is required first.</p>

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Condition	Reason	Timing
<p><u>Stage 12 and Stage 23</u></p> <p>15.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>15.2 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.</p> <p>15.3 An approval for the erection of structures over, or adjacent to sewers is required in accordance with Councils policy.</p> <p><u>Stage 23</u></p> <p>15.4 The approved development must not result in adverse impacts from flooding or overland flow of stormwater.</p> <p>15.5 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>15.6 Hydrologic and hydraulic assessments must be carried out to demonstrate that the proposed development will not adversely impact on flooding to upstream, downstream or adjacent properties, or create nuisance ponding on other properties.</p> <p>15.7 A RPEQ with the relevant expertise and experience in hydrological and hydraulic assessment must undertake and certify this report.</p>	<p>To ensure the development and premises:</p> <ol style="list-style-type: none"> appropriately manages and conveys stormwater legally and in an environmentally responsible manner; does not result in adverse flood impacts on the surrounding area; and maintains the structural integrity of Council sewerage and water supply infrastructure including maintaining appropriate accessibility to ensure operation, maintenance and replacement of all components of the infrastructure is achievable. 	<ol style="list-style-type: none"> At all times. <u>Stage 23 Works</u> <ol style="list-style-type: none"> Assessments and reporting to be completed for stage 2 works and approved by Council prior to the release of the endorsed survey plan. If required, 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. The application for the erection of structures over or adjacent to sewers is to be submitted and approved by Council prior to the release of the endorsed survey plan. To be maintained at all times.

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Condition	Reason	Timing
<p>15.8 Flooding and overland stormwater flow impact assessments must address:</p> <p>15.8.1 All localised flooding events up to and including 1% AEP.</p> <p>15.8.2 Comparison of pre and post development flows entering and exiting the development site.</p> <p>15.8.3 Any suitable mitigation measures required to be implemented to reduce peak post-development stormwater flows to peak pre-development flows.</p> <p>15.9 Any external catchments discharging to the premises must be accepted and accommodated within the Development's stormwater drainage system.</p> <p>15.10 Obtain approval from Council for the assessments/reports/proposal plans required by conditions 15.6 – 15.8.</p> <p>15.11 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.</p>		
Amenity and Safety		
<p>16. Setbacks and Privacy</p> <p>16.1 All new buildings adjoining residential zoned land provide building setbacks which maintain the privacy of nearby dwellings and incorporate suitable screening.</p> <p>16.2 Development is designed to minimise overshadowing on adjoining residential zoned land.</p>	<p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, south eastern and southern boundary the proposed development must be of a scale that is considered</p>	<p>i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement.</p> <p>ii. The development must be completed and maintained generally in</p>

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Condition	Reason	Timing
<p>16.3 Where adjoining a boundary with residential zoned land the outermost projection of any new buildings is to be setback a minimum 2.0m from the boundary.</p> <p>16.4 Where windows have a direct view into adjoining residential land, they must be provided with fixed screening that is a maximum of 50% transparent to obscure views and maintain privacy for residents.</p> <p>17. Landscaping, Fencing and Screening</p> <p>17.1 Landscaping, fencing and screening measures that contributes to an attractive streetscape and maintains appropriate amenity and privacy to nearby dwellings is to be provided.</p> <p><u>Landscaping</u></p> <p><u>Stage 12</u></p> <p>17.2 All existing landscaping provisions to be maintained, except where modified by the conditions of this approval.</p> <p><u>Stage 23</u></p> <p>17.3 Appropriate landscaping treatments to be provided in any areas of external open space.</p> <p>17.4 All landscaping including associated irrigation and fencing and screening measures if applicable must be suitably constructed and maintained for the life of the development.</p> <p><u>Fencing and Screening</u></p> <p><u>Stage 23</u></p>	<p>to maintain the existing privacy and amenity experienced by residents.</p>	<p>accordance with the approved amended drawings and documents, at all times.</p>

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Condition	Reason	Timing
<p>A minimum 1.8m high, no gap fence is to be provided for the full length of the common boundaries of the subject site where adjoining a residential use.</p> <p>18. Visual Treatment of Plant and Equipment</p> <p>18.1 The applicant must ensure all plant and equipment (inclusive of air conditioning units, compressors, generators, ducting, ventilation and the like) is:</p> <ul style="list-style-type: none"> i. not located between any building and/or an adjoining residential premises; and ii. to be appropriately screened and ventilated from view from any dedicated road or adjoining residential premises. <p>19. Refuse Facilities and Waste Management</p> <p>19.1 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 management storage capacity is provided on-site to adequately cater for the demand generated by the use of the premises.</p> <p>19.2 Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers.</p> <p>19.3 Waste storage areas shall be not visible from the street-front and suitably screened.</p> <p>20 Signage</p> <p>20.1 Any signage to be associated with the use must be designed to the satisfaction of and approved by Council.</p>		

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Condition	Reason	Timing
<p>20.2 To maintain amenity for the adjoining residential properties, no illumination of any signage proposed is to occur unless otherwise approved by Council.</p> <p>21 Storage</p> <p>21.1 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>21.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>21.3 Any storage on-site is required to be screened from view from all roads and adjacent properties.</p>		
22 Mitigation of Flood Hazard		
<p>22.1 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.</p> <p>22.2 Facilities are to be:</p> <ul style="list-style-type: none"> (a) relocatable or readily replaced; (b) not vital to the safe operation of the use during or after a flood event; and (c) located or designed to avoid causing a risk to public safety in the event of a flood or impede the flow of flood water. <p>22.3 Development does not change inundation characteristics outside the subject site in ways that would:</p> <ul style="list-style-type: none"> (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 	<p>To ensure development does not worsen the severity of, or exposure, to the hazard on other properties and does not increase the risk to public safety and the environment in a flood event.</p>	<p>At all times</p>

Attachment A – Assessment Manager Recommended Conditions of Approval

Condition	Reason	Timing
(d) increase the duration of the hazard. 22.4 Adequate provision is made for safe evacuation, response and recovery during a flood event.		

BBD DRAWING SCHEDULE - MASTER PLAN			
DWG No.	DRAWING TITLE	REV	REV DATE
B000	MASTER COVER SHEET	F	21.06.23
B002	MASTER - ILLUSTRATIONS	F	21.06.23
B101	MASTER - SITE PLAN	F	21.06.23
B211	MASTER - FLOOR PLAN	F	21.06.23
B221	MASTER - ELEVATIONS	F	21.06.23
B231	MASTER - ROOF PLAN	F	21.06.23

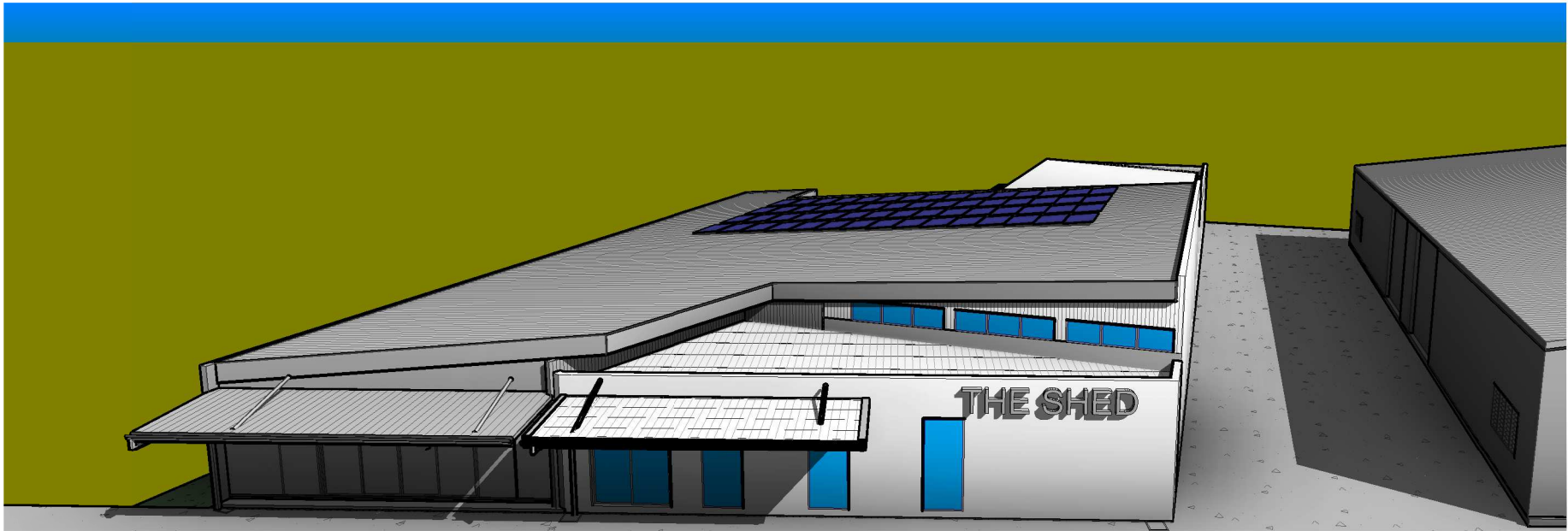
PROPOSED ADDITIONS & ALTERATIONS

for

THE SHED NQ HEALTH & FITNESS

at

5 LITTLE DRYSDALE ST. AYR QLD 4807



COVER SHEET

GENERAL NOTES

(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.

(ii) FIGURED DIMENSION TAKE PRECEDENCE OVER SCALED MEASUREMENTS.

(iii) NOTIFY THE BUILDING DESIGN OFFICE IMMEDIATELY OF ANY DISCREPANCIES.

(iv) ALL WORK TO COMPLY WITH CURRENT AND RELEVANT AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA AND LOCAL AUTHORITY REQUIREMENTS.

(v) THESE DESIGNS AND DRAWINGS ARE COPYRIGHT AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE EXPRESS PERMISSION OF THE BURDEKIN BUILDING DESIGN PTY LTD.

B	Building Cert. Issue	05/23
A	Schematic Design	03/23
NO.	AMENDMENT	DATE



burdekin BUILDING DESIGN

ABN 11 686 746 112 QBSA Lic. No. 07910

building design
drafting service
project development
planning service

Ayr:
141 Mackenzie St.
Ayr Qld 4807
E: burddrat@tpg.com.au

Brisbane:
10 Cleavue St.
Geebung Q 4034
M: 0411425592

DESIGN R.S.	DESIGN VERIFICATION
DRAWN BY R.S.	DRAFTING CHECK

AUTHORISATION FOR ISSUE

CLIENT
**THE SHED NQ
HEALTH & FITNESS**

PROJECT
NEW GYM

LOCATION
**5 Little Drysdale St
Ayr QLD 4807**

DRAWING
**MASTER COVER
SHEET**

PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

SCALE:	AT	CAD ISSUE
	A3 SIZE	BA04
CLIENT REFERENCE NO.	ISSUE	SHEET NO.
BBD2100021	F	B000

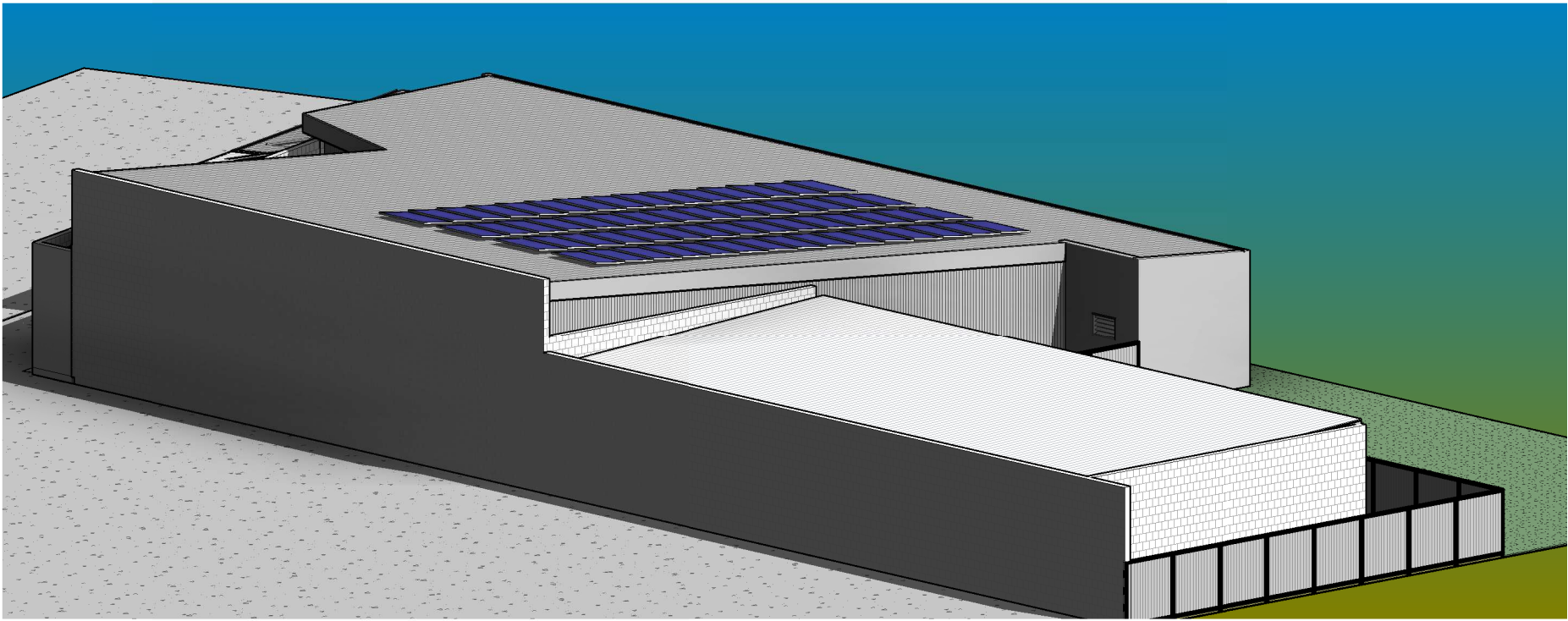


IMAGE 3

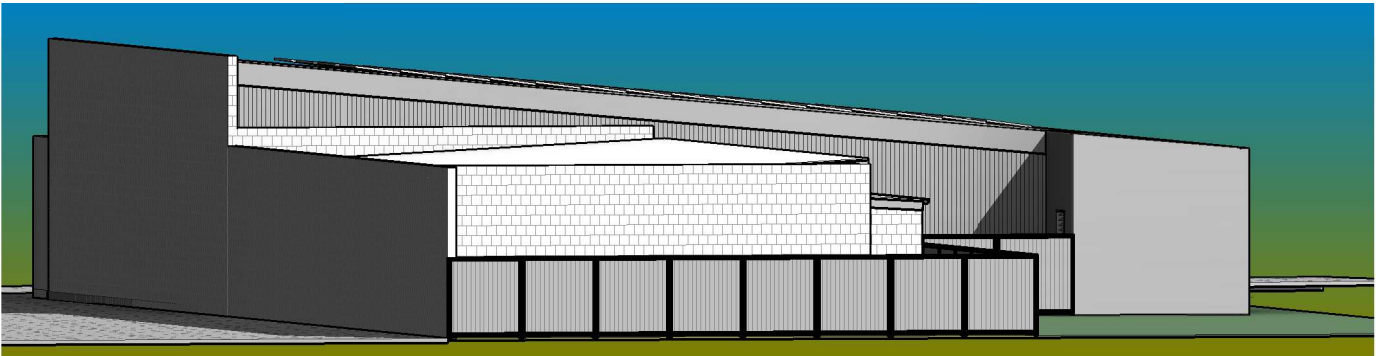


IMAGE 4

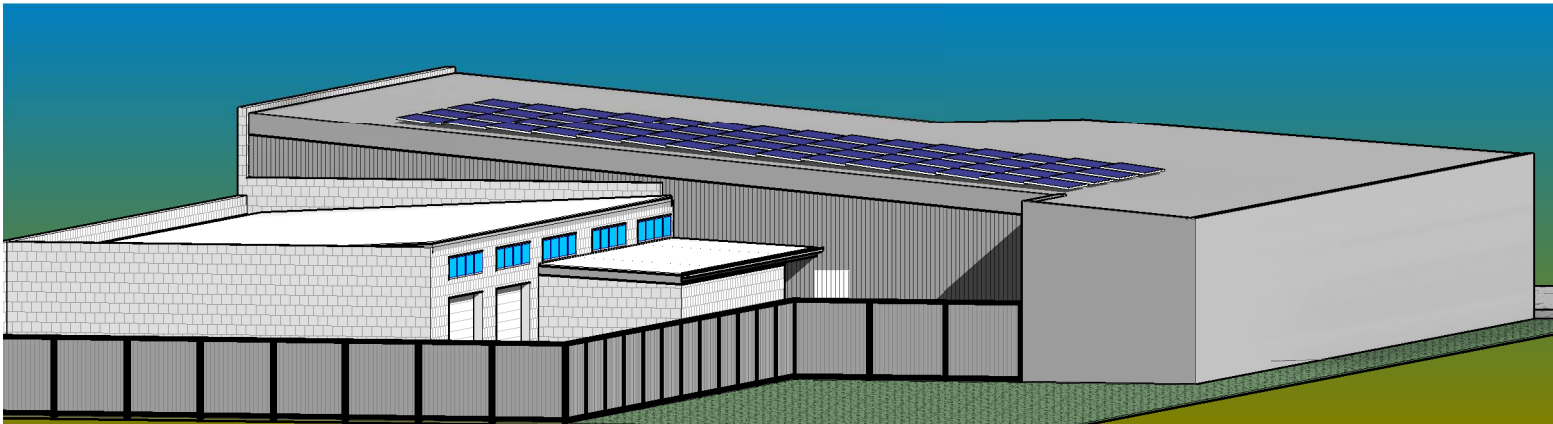


IMAGE 5

GENERAL NOTES
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A	Schematic Design	03/23
NO.	AMENDMENT	DATE



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project development
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AUTHORISATION FOR ISSUE

CLIENT
**THE SHED NQ
HEALTH & FITNESS**

PROJECT
NEW GYM

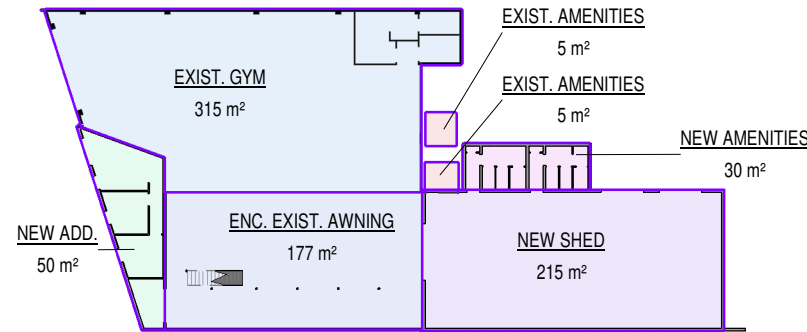
LOCATION
**5 Little Drysdale St
Ayr QLD 4807**

DRAWING
**MASTER -
ILLUSTRATIONS**

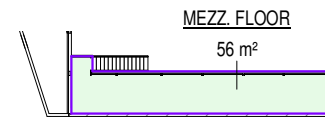
SCALE: AT A3 SIZE CAD ISSUE BA04

CLIENT REFERENCE NO.	ISSUE	SHEET NO.
BBD2100021	F	B002

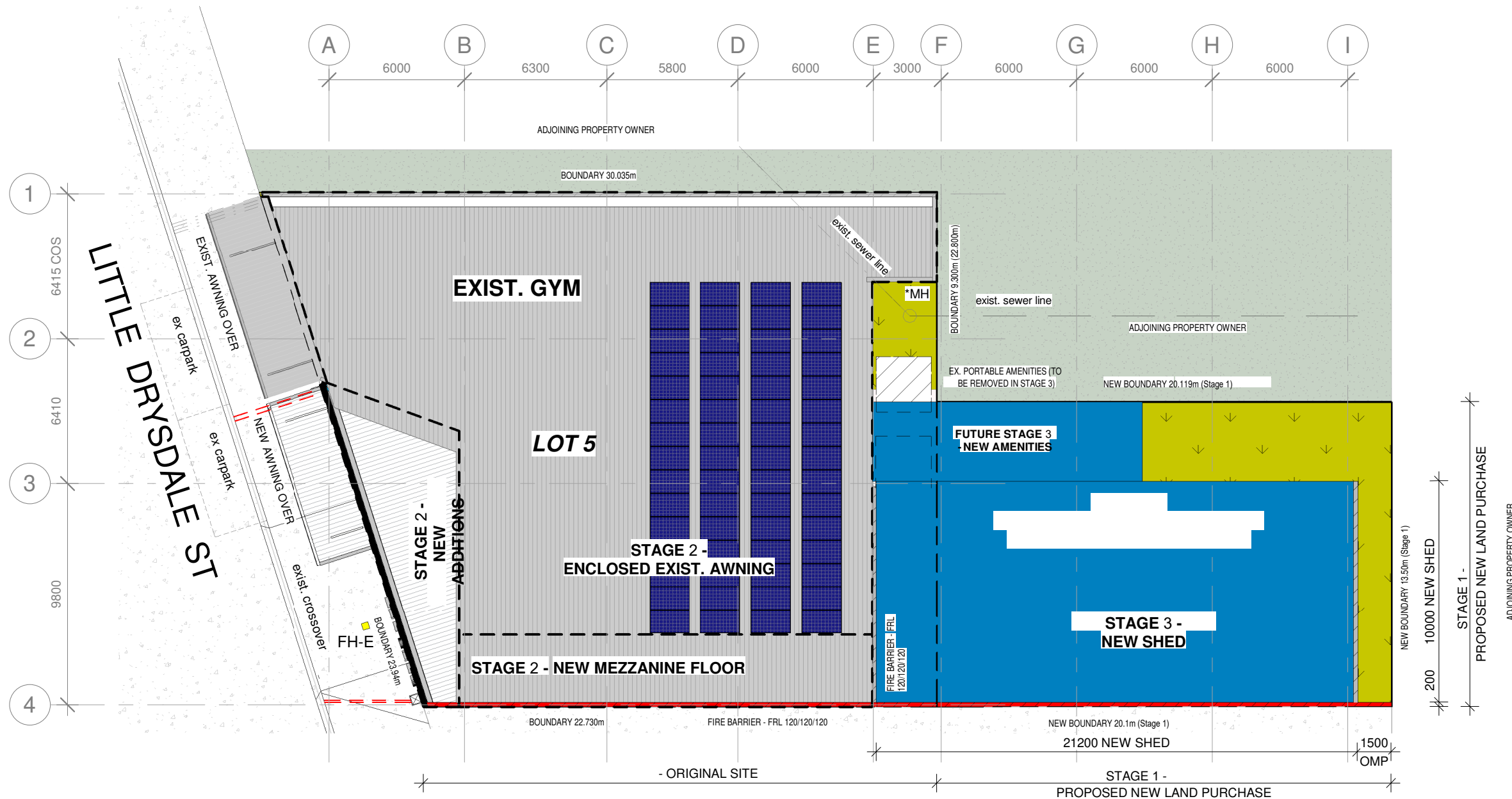
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MASTER - GND FLOOR AREA
1 : 500



MASTER - MEZZ. FLOOR AREA
1 : 500



MASTER - SITE PLAN
1 : 200

GENERAL NOTES
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PROPERTY DESCRIPTION:
Lot 5 on RP 882395
Parish: Antill
County: Gladstone
Exist. Site Area: 601.45m²
New Site Area: 271.58m²
TOTAL AREA: 873.03m²

BUILDING CLASSIFICATION:
Class 9b
SITE COVERAGE AREAS:
Master GFA: 797.0m²
Site Coverage: 91.29%

B Building Cert. Issue 05/23
A Schematic Design 03/23



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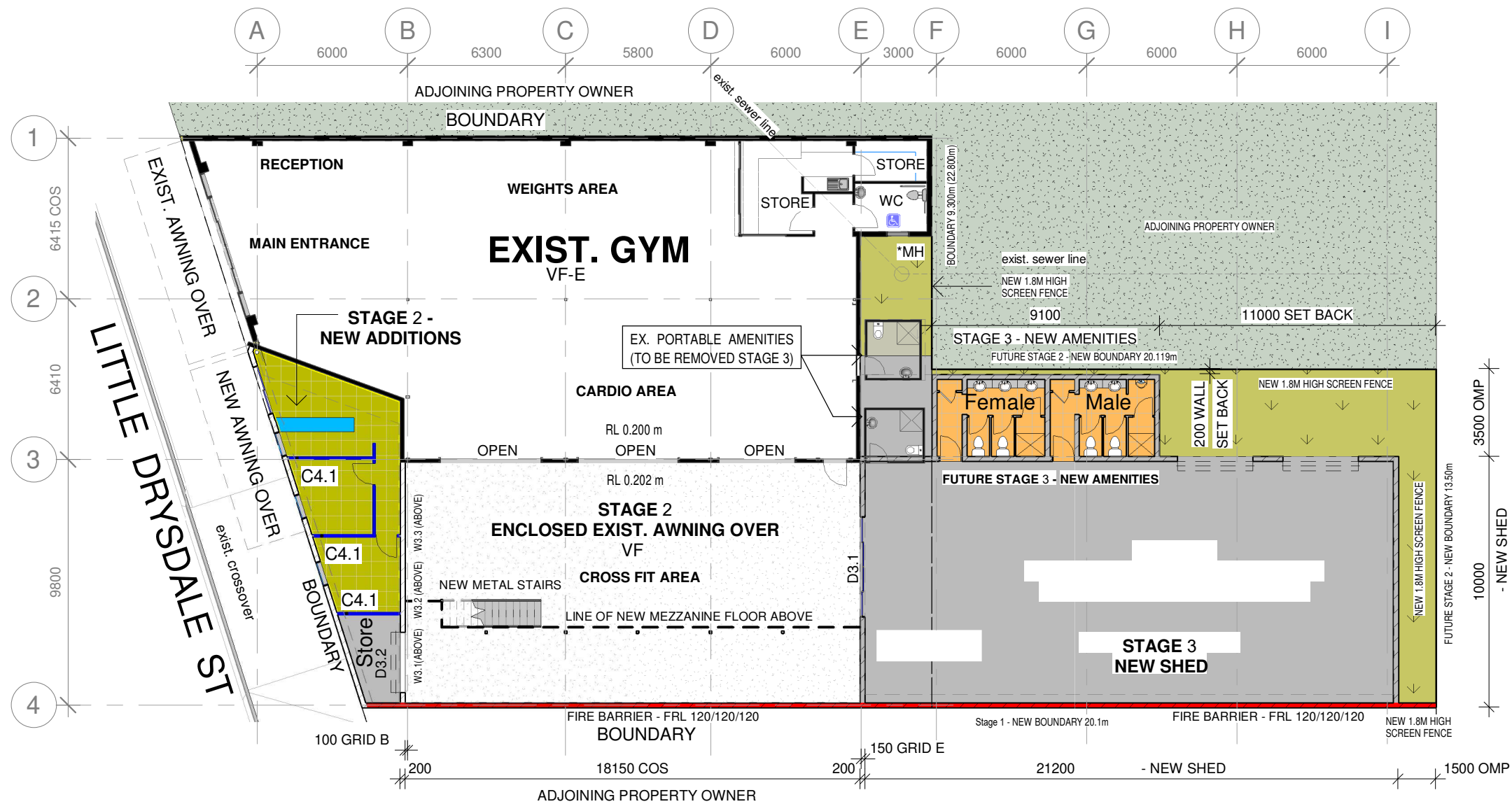
DESIGN R.S.
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AUTHORISATION FOR ISSUE

CLIENT
THE SHED NQ HEALTH & FITNESS
PROJECT
NEW GYM
LOCATION
5 Little Drysdale St Ayr QLD 4807

DRAWING
MASTER - SITE PLAN

SCALE: As indicated AT A3 SIZE CAD ISSUE BA04
CLIENT REFERENCE NO. BBD2100021 ISSUE F SHEET NO. B101

PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES



MASTER - FLOOR PLAN
1 : 200

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B Building Cert. Issue 05/23
A Schematic Design 03/23
NO AMENDMENT DATE



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planning service

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THE SHED NQ HEALTH & FITNESS

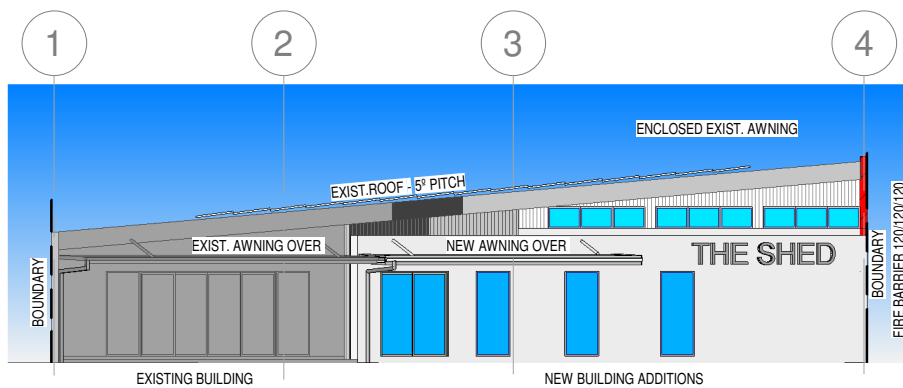
PROJECT
NEW GYM

LOCATION
**5 Little Drysdale St
Ayr QLD 4807**

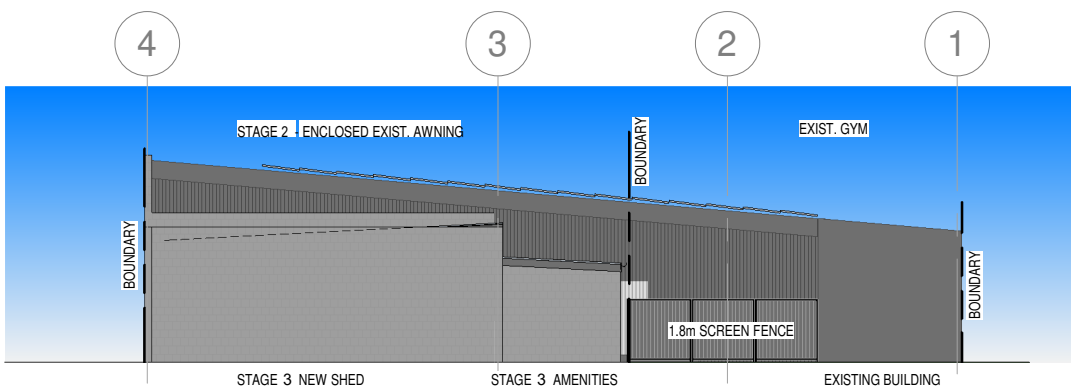
DRAWING
MASTER - FLOOR PLAN

SCALE: 1 : 200 AT A3 SIZE CAD ISSUE BA04
CLIENT REFERENCE NO. BBD2100021 ISSUE F SHEET NO. B211

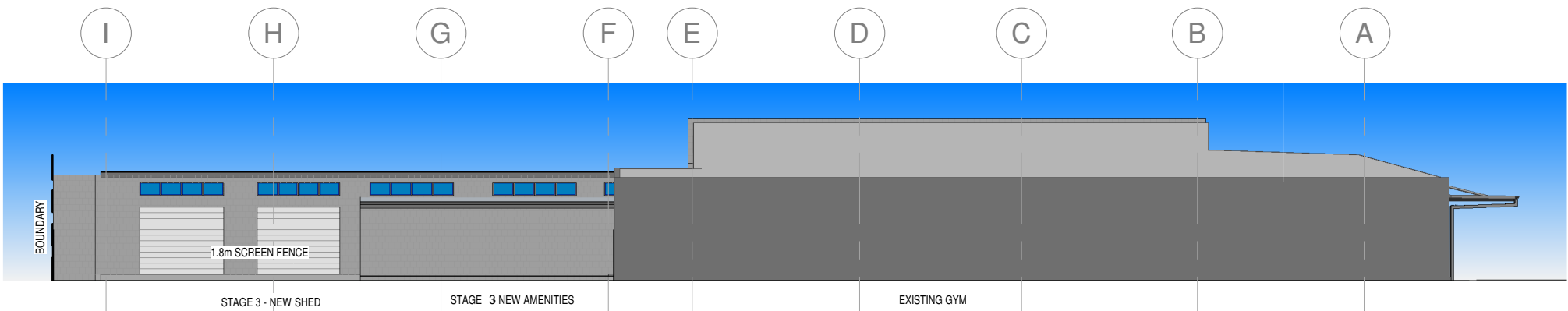
PRELIMINARY
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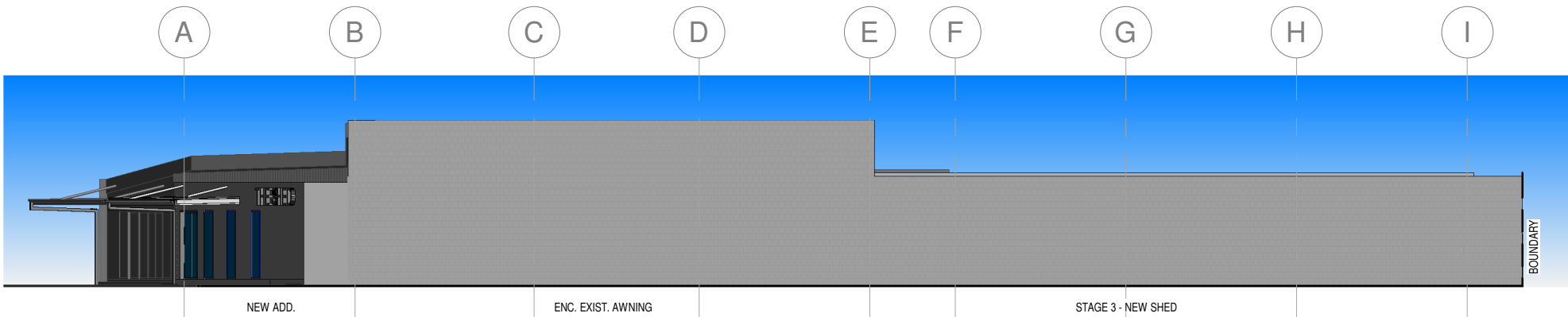
MASTER - NE ELEVATION
1 : 200



MASTER - SW ELEVATION
1 : 200



MASTER - SE ELEVATION
1 : 200



MASTER - NW ELEVATION
1 : 200

GENERAL NOTES
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B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



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Ayr Qld 4807 Geebung Q 4034
E: burddrat@tpg.com.au M: 0411425592

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HEALTH & FITNESS

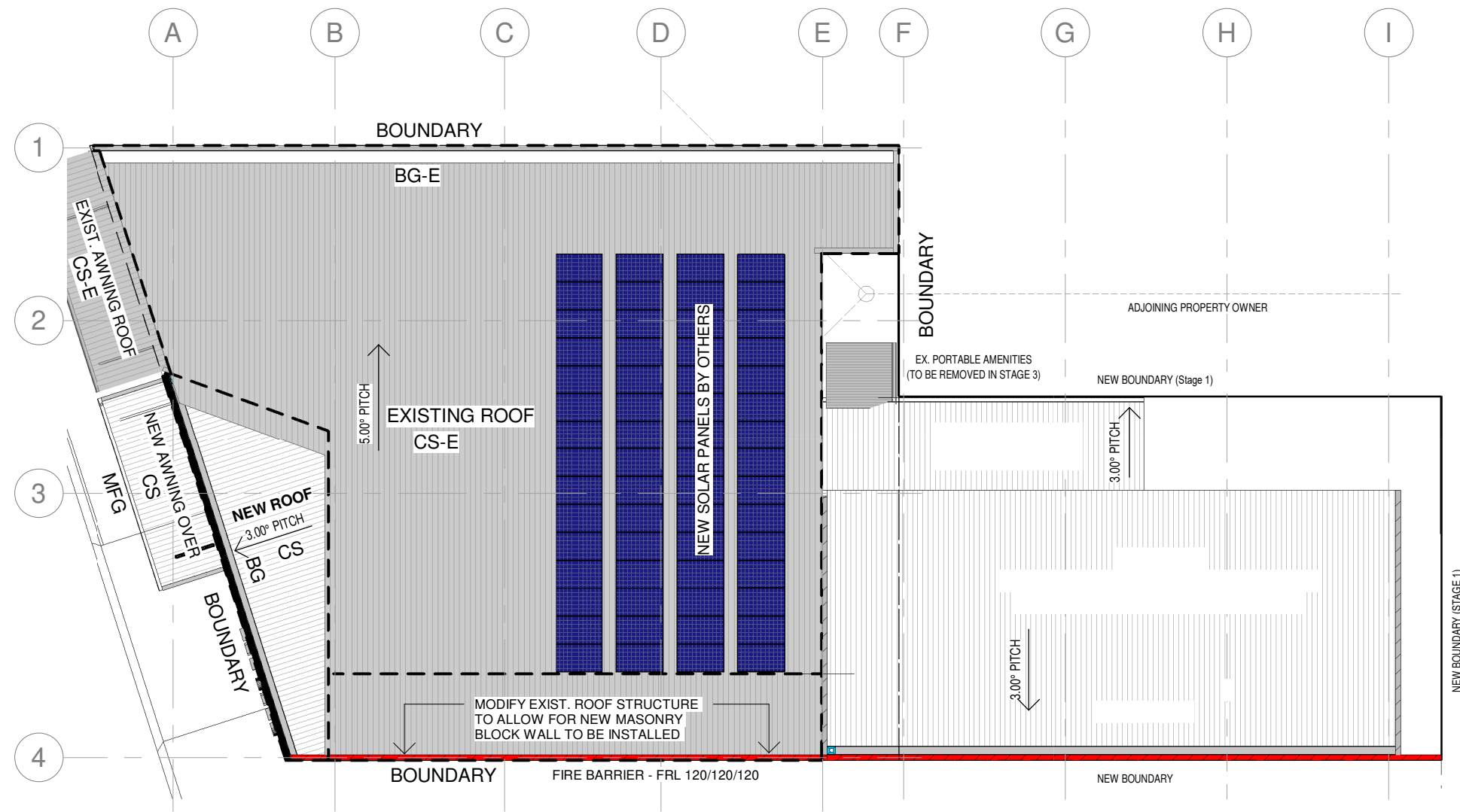
PROJECT
NEW GYM

LOCATION
5 Little Drysdale St
Ayr QLD 4807

DRAWING
MASTER - ELEVATIONS

PRELIMINARY
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SCALE: 1 : 200 AT A3 SIZE CAD ISSUE BA04
CLIENT REFERENCE NO. BBD2100021 ISSUE F SHEET NO. B221



MASTER - ROOF PLAN
1 : 200

GENERAL NOTES
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NO.	AMENDMENT	DATE



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PROJECT
NEW GYM
LOCATION
5 Little Drysdale St Ayr QLD 4807

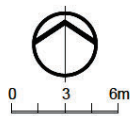
DRAWING
MASTER - ROOF PLAN

PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

SCALE: 1 : 200	AT A3 SIZE	CAD ISSUE BA04
CLIENT REFERENCE NO. BBD2100021	ISSUE F	SHEET NO. B231

PROPOSED
RECONFIGURATION

Lots 6 & 7
Cancelling Lot 5 on RP882395
& Lot 32 on A26516
Locality of Ayr
Shire of Burdekin



APPROVED

REF: MCU23/0013 DATE: 23/07/2024

J. Gallitto

Date: 8th May, 2023	
Scale: 1:300 @ A3	A3
Drawn: PLT	
Job No: 56940-001-01	
Plan No: 56940/001	A

brazier mott

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.

braziermotti.com.au

SURVEYING
TOWNPLANNING
PROJECT MANAGEMENT
MAPPING & GIS



Enquiries to: Planning Department
Our Reference: MCU23/0013
Your Reference: 56940-001-01

30 July 2024

Tonion Investments Pty Ltd
C/- Brazier Motti
PO Box 1185
Cairns QLD 4870
Email: Cns.planning@braziermotti.com.au

Attention: Michael Tessaro, Senior Planner

Dear Michael,

Development Application No. MCU23/0013

Decision Notice – Staged Development Permit for Reconfiguring a Lot (Boundary Realignment) and Material Change of Use for Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages) located at 5 Little Drysdale Street and 177 Macmillan Street, Ayr (Lot 5 RP882395 and Lot 32 on A26516).

I refer to your application on behalf of Tonion Investments Pty Ltd, seeking a Staged Development Permit for Reconfiguring a Lot (Boundary Realignment) and Material Change of Use – Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages), located at 5 Little Drysdale Street and 177 Macmillan Street, Ayr, on land described as Lot 5 on RP882395 and Lot 32 on A26516.

Your Development Application was assessed by relevant officers and Council resolved to approve the proposed development on **23 July 2024**, subject to reasonable and relevant conditions. Council's Decision Notice is **enclosed**.

This notice outlines the aspects of the development's condition of approval, currency period, approved plans and includes extracts from the Planning Act 2016, with respect to the making representations about conditions, suspension of the appeal period, negotiated decisions, suspension of the appeal period and lodging an appeal, should you wish to do so.

Yours sincerely,



Kellie Galletta

Manager Planning and Development

**Enc: Decision Notice
Appeal Rights**

Decision Notice

Planning Act 2016

30 July 2024

Section 83 of the *Planning Act 2016*

Application Details

This Decision Notice relates to the below Development Application:

Application Number:	MCU23/0013
Applicant Details:	Tonion Investments Pty. Ltd. C/- Brazier Motti PO BOX 1185 Cairns QLD 4870 Via Email: Cns.planning@braziermotti.com.au
Owner Details:	Tonion Investments Pty Ltd and Jason Anthony Kilcullen
Street Address:	5 Little Drysdale Street and 177 Macmillan Street, Ayr
Real Property Description:	Lot 5 on RP882395 and Lot 32 on A26516
Proposal:	Reconfiguring a Lot (Boundary Realignment) and Material Change of Use – Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages)
Planning Scheme:	<i>Burdekin Shire Planning Scheme December 2022</i>
Level of Assessment:	Impact

Decision Details

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provision of the *Planning Act 2016*.

Type of Decision:	Approval with conditions
Date of Decision:	23 July 2024
Decision Type:	Development Permit
Deemed Approval:	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>
Submissions:	One (1) properly made submission was received during the public notification period

Conditions of Approval

The Conditions of Approval are set out in **Attachment A** of this Decision Notice. The conditions are identified to indicate whether the Assessment Manager or a Referral Agency imposed them.

Approved Plans and Documents

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit. The approved plans are included as **Attachment B** of this Decision Notice.

Referral Agencies

The development application was referred in accordance with the following provisions of the *Planning Regulation 2017*:

Referral Status	Referral Agency and Address	Referral Trigger from Planning Regulation 2017
Concurrence	NQSARA, PO Box 5666, Townsville, Q4810 Email: NQSARA@dsdilgp.qld.gov.au	Material Change of Use Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 Material change of use of premises near a State transport corridor or that is a future State transport corridor.

The Referral Agency Responses are set out in **Attachment C** of this Decision Notice.
There are no requirements from NQSARA for this application.

Further Approvals Required

Refer to **Attachment A** - Conditions of Approval.

Infrastructure Charges

The proposal is a development type that triggers infrastructure charges to be applied, as per Council's Charges Resolution. The full Infrastructure Charges Notice is **attached**.

Note: Discount for the existing use has been applied, in accordance with Council's Charges Resolution. The draft applicable charges for this development are based on the proposed ultimate 787m² gross floor area (GFA) supplied in the plans submitted with the application. However the conditions of approval require modifications to the existing proposal. It is anticipated that the final Infrastructure Charges Notice issued will reflect any amendments made to the GFA.

Rights of Appeal

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be the right to make an application for a declaration by Tribunal (refer Chapter 6, Part 2 of the *Planning Act 2016*).

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for

-
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*. A copy of the relevant appeal provisions from the *Planning Act 2016* is **attached**.

Approval Currency Period

Pursuant to Section 85 of the *Planning Act 2016*, the Material Change of Use and Reconfiguring a Lot component of the Development Approval will lapse six (6) years after the approval starts to have effect, unless otherwise conditioned. The currency period can only be extended if the request is received before the approval lapses.

Notice About Decision – Statement of Reasons

This notice is prepared in accordance with s63(5) and s83(9) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the planning scheme and assessment benchmarks against which the application was assessed; and
- any other information, documents or other material council was either required to, or able to, consider in its assessment.

All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

- Centre Zone Code
- Low Density Residential Zone Code
- Flood Hazard Overlay Code
- Development Works Code
- Reconfiguring a Lot Code

Compliance with Assessment Benchmarks and Reasons for the Decision

The proposed development was assessed against all assessment benchmarks listed above and complies with the exception of the following listed. Reasons for approval despite non-compliance are listed below.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Centre Zone Code	
Building scale and appearance	
<p>PO1 Buildings have a height, scale and alignment consistent with the streetscape character, and create a safe, continuous and comfortable pedestrian environment at the street front.</p> <p>AO1.1 Buildings are no more than 2 storeys above natural ground level.</p> <p>AO1.2 The maximum site cover is 75%.</p> <p>AO1.3 Buildings are built to the street alignment and provide an awning over the adjoining footpath.</p> <p>AO1.4 Car parking is provided to the side or the rear of the building but is not provided between the building and the street.</p>	<p>Conditioned to comply.</p> <p>1. Original proposal plans proposed a 90% ultimate site cover and built to boundary.</p> <p>Development approval conditioned in this regard to ensure the development is of consistent streetscape character, scale and appearance:</p> <ul style="list-style-type: none"> • Maximum site coverage does not exceed 80%; and • Appropriate setbacks are achieved from residential zoned properties adjoining the site.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
	<p>2. The proposal does not comply with AO1.4, as it does not include any onsite parking provisions.</p> <p>Development approval has been conditioned in this regard with a Traffic Impact Assessment required to be undertaken and submitted to Council for approval prior to the endorsement of the survey plan for the boundary realignment, proposed as part of Stage 2 of the permit.</p>
Car parking and access	
<p>PO2 Development provides sufficient car parking on-site to accommodate the anticipated demand safely and efficiently.</p> <p>AO2 Vehicle parking on-site and access and manoeuvring areas are in accordance with table 6.2.1.3(e) – Vehicle parking rates and standards.</p>	<p>Conditioned to comply.</p> <p>The proposal does not comply with this benchmark, as it does not include any onsite parking provisions.</p> <p>Development approval has been conditioned in this regard with a Traffic Impact Assessment required to be undertaken and submitted to Council for approval prior to the endorsement of the survey plan for the boundary realignment, proposed as part of Stage 2 of the permit.</p>
Urban design – all parts of the zone	
<p>PO14 Car parking, vehicular access and driveways do not detract from or dominate the street frontage.</p>	<p>Conditioned to comply.</p> <p>The proposal does not comply with this benchmark, as it does not provide any carparking, vehicular access or driveways.</p> <p>Development approval has been conditioned in this regard with a Traffic Impact Assessment required to be undertaken and submitted to Council for approval prior to the endorsement of the survey plan for the boundary realignment, proposed as part of Stage 2 of the permit.</p>
<p>PO16 Landscaping is incorporated into the development and provides shade for pedestrians, enhances its appearance especially in parking and service areas and screens servicing components.</p>	<p>Conditioned to comply.</p> <p>Development approval has been conditioned in this regard to ensure general overall compliance with PO16.</p>
Amenity	
<p>PO18 Development does not create significant impacts on the amenity of nearby land in a residential zone as a result of noise, lighting, odour, dust, volume of traffic generated, loss of privacy or other cause.</p>	<p>Conditioned to comply.</p> <p>Development approval has been conditioned in this regard to ensure general overall compliance with the outcomes sought by PO18 – PO22.</p>

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
<p>PO19 Development adjoining residential zoned land provides building setbacks which maintain the privacy of nearby dwellings and incorporate suitable screening.</p> <p>AO19.1 Buildings have a minimum setback of:</p> <ul style="list-style-type: none"> (a) 3m or half the building height, whichever is greater, to the side boundary; and (b) 6m or half the building height, whichever is greater, to the rear boundary. <p>AO19.2 A screen fence (minimum height of 1.8m and maximum gap of 10mm) is provided along the common site boundaries.</p> <p>AO19.3 Windows with a direct view into adjoining residential land are provided with fixed screening that is a maximum of 50% transparent to obscure views and maintain privacy for residents.</p> <p>PO20 Development is designed to minimise overshadowing on adjoining residential zoned land.</p> <p>AO20 Buildings do not cast a shadow over an adjoining residential lot between the hours of 9am and 3pm on the 22 June.</p> <p>PO21 Materials capable of generating air or odour impacts are wholly enclosed.</p> <p>PO22 All external areas are sealed, turfed or landscaped</p>	<p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, southeastern and southern boundary, the proposed development must be of a scale that is considered to reasonably maintain the existing privacy and amenity experienced by residents.</p> <p>Amended plans will be required to appropriately address matters of site cover, building height and setbacks.</p> <p>Noise, stormwater and traffic impact assessments will be required to be completed and submitted Council for review and approval as part of Stage 2 of the development.</p>
Low Density Residential Zone Code	
Building height	
<p>PO1 Building height is consistent with the existing low-rise scale of the locality.</p> <p>AO1 Buildings are no more than 2 storeys.</p>	<p>Conditioned to comply.</p> <p>Development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Low Density Residential Zone Code where applicable, which requires amended proposal plans to be submitted to Council for review and approval.</p>

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Non-residential uses	
PO14 Non-residential uses establish only where: <ul style="list-style-type: none"> (a) they are compatible with local character; (b) do not create significant impacts on residential amenity; (c) they are small scale, and where for a health care service or veterinary service, limited to a single practitioner; and (d) providing a local community service or supporting the day-to-day needs of the local community. 	Conditioned to comply. Development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Low Density Residential Zone Code where applicable The existing gym facility has been established in the Centre Zone since 2021. This development application seeks to expand the existing gym facility into a portion of low density residential zoned land to the rear of the existing facility located on Lot 32 on A26516. The proposed expansion of the gym facility is not anticipated to significantly alter the local character, due to the majority of the changes occurring away from the frontage located behind the existing building. However, as the approved development will ultimately adjoin low density residential zoned land along its eastern, southeastern and southern boundary, the proposed development must be of a scale and appearance that is considered to maintain the existing privacy and amenity experienced by residents. Amended plans with respect to ultimate site cover, setbacks and building heights are required to be submitted to Council for review and approval. Noise, stormwater and traffic impact assessments will be required to be submitted to Council for review and approval as part of Stage 2 of the development.
PO15 Development: <ul style="list-style-type: none"> (a) is oriented to the street front and (b) maintains a consistent building alignment in the street; and (c) accommodates parking to the side or rear of buildings. 	Conditioned to comply. Development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Low Density Residential Zone Code where applicable. Development is predominantly orientated to the Little Drysdale Street Frontage and is consistent in the existing alignment. No on-site carparking has been proposed as part of the application.
All development – amenity and safety	
PO19	Conditioned to comply.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
<p>Development does not create significant impacts on the residential amenity of the locality as a result of noise, lighting, odour, dust, volume of traffic generated, loss of privacy or other cause.</p>	<p>Development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Low Density Residential Zone Code where applicable, in terms of amenity and safety.</p> <p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, southeastern and southern boundary, the proposed development must be of a scale that is considered to reasonably maintain the existing privacy and amenity experienced by residents.</p> <p>Amended plans will be required and to address matters of site cover, building height and setbacks.</p> <p>Noise, stormwater and traffic impact assessments will be required to be submitted Council for review and approval for Stage 2 of the development.</p>
Development Works Code	
Infrastructure	
<p>PO12</p> <p>Development in an urban zone (other than the township zone) or within the priority infrastructure area is connected to reticulated water, sewerage and stormwater.</p> <p>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.</p>	<p>Conditioned to comply in full.</p> <p>Proposal complies in part with PO12 and the development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Development Works Code where applicable.</p> <p>The existing development is connected to Council reticulated water supply and sewerage service and has existing stormwater provisions for the existing gym facility.</p> <p>Stage 2 of the development will require the provision of a Stormwater Management Plan which is to be approved by Council as part of Stage 2 works.</p>
<p>PO13</p> <p>Development sites are provided with services in a way that is:</p> <ul style="list-style-type: none"> (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 (d) can be safely, conveniently and cost effectively maintained. <p>AO13</p> <p>All infrastructure required to service the development is provided in accordance with</p>	<p>Conditioned to comply in full.</p> <p>Proposal complies in part with PO13 and the development approval has been conditioned in this regard to ensure full compliance with the requirements of the Development Works Code where applicable.</p> <p>The existing premises are connected to Council's reticulated water supply and sewerage system.</p> <p>Sewer lines and a manhole exist in the site.</p> <p>Council requires the developer to seek a separate approval for the erection of structures over or adjacent to sewers, required in accordance with Council's</p>

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Planning scheme policy – S.C5.2 – Development works.	policy, to ensure appropriate accessibility to Council's sewerage infrastructure is maintained to ensure operation, maintenance and replacement of all components of the infrastructure is achievable. A Stormwater Management Plan will be required for Stage 2 of the development to ensure that the proposed expansion is located, designed, constructed and operated to avoid any adverse impacts related to stormwater overflow to adjoining lots.
Water management 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.	
PO18 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; (c) the creation or expansion of non-tidal artificial waterways; or (d) the release and mobilisation of nutrients and sediments.	Conditioned to comply in full. Proposal complies in part with PO18 and the development approval has been conditioned in this regard to ensure full compliance with the requirements of the Development Works Code where applicable. Existing stormwater infrastructure is in place for the existing development. A Stormwater Management Plan will be required for Stage 2 of the development to ensure that the proposed expansion is located, designed, constructed and operated to avoid any adverse impacts arising from stormwater.
PO19 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> .	
PO21 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.	
Traffic and access	
PO23	

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
<p>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.</p> <p>Note—The road hierarchy is illustrated in Figure 6.2.1.3 of the Development works code.</p>	<p>Conditioned to comply.</p> <p>The development approval has been conditioned in this regard to ensure full compliance with the requirements of the Development Works Code where applicable.</p> <p>A Traffic Impact Assessment (TIA) is to be provided to Council for review and approval, as part of Stage 2 works.</p>
<p>PO24</p> <p>Development maintains a safe environment for pedestrians, cyclists and vehicles on the site and external to the site.</p>	
<p>PO25</p> <p>Development has vehicle access and manoeuvring sufficient to accommodate the anticipated traffic demand and servicing requirements safely and efficiently.</p> <p>AO25</p> <p>Circulation areas, turning areas and driveways comply with Australian Standards AS2890.1 and AS2890.2, as amended from time to time.</p>	
<p>PO26</p> <p>Development (other than dwelling houses and dual occupancies) are designed to enable vehicles to enter and leave the site in a forward direction</p> <p>AO26</p> <p>Circulation areas, turning areas and driveways comply with Australian Standards AS2890.1 and AS2890.2, as amended from time to time.</p>	
<p>PO27</p> <p>Development provides sufficient parking on-site to accommodate the anticipated demand safely and efficiently.</p> <p>AO27</p> <p>Vehicle parking is provided in accordance with table 6.2.1.3(e)—Vehicle parking rates and standards.</p> <p>Where the use is not nominated in table 6.2.1.3(e), no acceptable outcome is nominated.</p>	
<p>PO28</p> <p>On-site parking is clearly defined, safe and easily accessible.</p> <p>AO28</p> <p>Parking areas comply with Australian Standards AS2890.1 and AS2890.2, as amended from time to time.</p>	

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
PO29 Open parking spaces are designed and constructed to facilitate stormwater infiltration on-site.	
Landscaping	
PO33 Landscaping is designed, established and maintained to: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> • 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; • natural drainage lines; • existing levels and finished levels; • a full schedule of plantings and materials including growing characteristics, quantities of each plant and other materials; and • a drainage and irrigation plan. 	Conditioned to comply. The development approval has been conditioned in this regard to ensure landscaping requirements are satisfied where relevant. The proposed Stage 2 of development will be required to turf or pave open space areas and appropriate screen fencing is to be erected along all common boundaries between proposed Lot 6 and the adjoining residential lots containing dwellings.
PO34 Landscaping: <ul style="list-style-type: none"> (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. 	

Council exercises its discretion to approve the application even though the development may not strictly comply with an aspect of the assessment benchmarks, as the proposed development can, or can be conditioned to generally comply with the Strategic Framework and the intent of the relevant codes that apply including the Centre Zone Code, Low Density Residential Zone Code, Flood Hazard Overlay Code, Development Works Code, and Reconfiguring a Lot Code.

To ensure the amenity and safety of the existing locality is not negatively impacted, several conditions have been imposed on the proposed Stage 2 development specifically, including but not limited to, requiring the following assessments to be completed and provided to Council for review and approval:

- Hydrologic and hydraulic assessment.
- Noise impact assessment
- Traffic and parking impact assessment.

Properly Made Submissions

One (1) properly made submission was received during the public notification period from J and K Ryder.

The submission expressed concerns with the following aspects of the development:

- Developer has not shown the surface drainage intent of the open-air area behind Stage 2 development.
- Concern that surfacing sloping towards neighbouring properties could increase stormwater runoff.
- The level of noise impact as the developer has decided not to provide Council with a noise impact assessment report.
- Concern that the proposed expansion of operation will increase noise impact compared to the current levels, due to the closer proximity of the gym to neighbouring residential lots, particularly from outdoor gym activities in the early hours in the morning and evening.
- Concerns with the noise emanated by the proposed two large roller doors and louvres.

Council must consider all properly made submissions in the assessment process in accordance with the provisions of the *Planning Act 2016* and the Development Assessment Rules and has conditioned the Development Permit appropriately, to minimise effects upon the existing amenity of the area and possible nuisance concerns as a result of the development.

Appeal Rights

Planning Act 2016 & The Planning Regulation 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.

- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
1. General and Administration		
<u>Compliance with Conditions</u>		At all times.
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.		

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council.</p> <p><u>Infrastructure Conditions</u></p> <p>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.</p>		
2. Approved Plans and Documents		
<p><u>Approved Plans & Documents – Required Changes</u></p> <p>2.1 Submit to, and have approved in writing by Council, the following changes to the approved plans:</p> <p>(i) Master site plan prepared by Burdekin Building Design to be amended to reflect the ultimate and staged development where:</p> <ul style="list-style-type: none"> ▪ It does not exceed a maximum of 80% in total site coverage; and ▪ a boundary adjoining with residential zoned land achieves a: <ul style="list-style-type: none"> - maximum 3.5m in total building height from natural ground level; and - minimum 2.0m setback from the outermost projection of new buildings. <p>(ii) Stages of development are as follows:</p> <p>a) <u>Stage 1 Works</u></p> <ul style="list-style-type: none"> • New addition to building frontage not exceeding a maximum 50m² in GFA; • Enclosure of existing awning not exceeding a maximum 122m² in GFA; 	<p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, south eastern and southern boundary, the proposed development must be of a scale that is considered to maintain the existing privacy and amenity experienced by residents.</p>	<p>i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement.</p> <p>ii. Once approved, the use and associated works must be completed and maintained generally in accordance with the approved drawings and documents, at all times.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<ul style="list-style-type: none"> Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and New awning over the footpath located along Little Drysdale Street. <p>b) <u>Stage 2 Works</u></p> <ul style="list-style-type: none"> Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516); and Construction of new building (including new amenities) as an extension of the existing gym facility building. <p>2.2 Once approved, the amended plans and documents will become the approved plans and documents.</p> <p>2.3 The proposed development must be completed, comply with and maintained, generally in accordance with the amended plans as per Conditions 2.1 and 2.2 as above, and drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.</p> <p>2.4 One full set of the most recent approved plans must be held on-site and available for inspection for the duration of the construction phase.</p> <p>2.5 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.</p>		

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
2.6 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
Master – Cover Sheet	Ref No BBD2100021, Issue F, Sheet No B000	21.06.23
Master – Illustrations	Ref No BBD2100021, Issue F, Sheet No B002	21.06.23
Master – Site Plan	Ref No BBD2100021, Issue F, Sheet No B101	21.06.23
Master – Floor Plan	Ref No BBD2100021, Issue F, Sheet No B211	21.06.23
Master – Elevations	Ref No BBD2100021, Issue F, Sheet No B221	21.06.23
Master – Roof Plan	Ref No BBD2100021, Issue F, Sheet No B231	21.06.23
Proposed Reconfiguration Lots 6 & 7 cancelling Lot 5 on RP882395 and Lot 32 on A26516	Plan No. 56940/001 A	08.05.23
3. Outstanding Charges		
All rates and charges (including infrastructure charges), in arrears in respect of the land subject of the application, are to be paid in full prior to the commencement of the proposed use.		
4. Notice of Intention to Commence the Use		
A minimum two (2) weeks prior to the commencement of the use on the land subject to this 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.		
5. Nature and Extent of Approved Use		
5.1 This approval provides for a staged development comprising: <u>Stage 1 Works</u> <ul style="list-style-type: none"> New addition to building frontage not exceeding a maximum 50m² in GFA; 	The development must comply with all planning scheme requirements including definitions, nature and	At all times.

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<ul style="list-style-type: none"> Enclosure of existing awning not exceeding a maximum 122m² in GFA; Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and New awning over the footpath located along Little Drysdale Street. <p><u>Stage 2 Works</u></p> <ul style="list-style-type: none"> Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516); and Construction of new building (including new amenities) as an extension of the existing gym facility building. <p>5.2 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 and Condition 5.</p> <p>5.3 No other operations and/or activities are allowed other than that approved by this permit.</p> <p>5.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the applicant.</p> <p>5.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.</p>	<p>extent as approved and conditioned by this development permit.</p>	

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
6. Staged Development		
<p>6.1 Staging of the development is to occur in accordance with the staging indicated on the approved plans (as amended) listed within this development approval, subject to and modified by any conditions of this development approval, being:</p> <p><u>Stage 1 Works</u></p> <ul style="list-style-type: none"> • New addition to building frontage not exceeding a maximum 50m² in GFA; • Enclosure of existing awning not exceeding a maximum 122m² in GFA; • Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and • New awning over the footpath located along Little Drysdale Street. <p><u>Stage 2 Works</u></p> <ul style="list-style-type: none"> • Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516); and • Construction of new building (including new amenities) as an extension of the existing gym facility building. <p>6.2 Stages must be completed in sequential order (i.e. stage 1 must be completed before stage 2) as identified on the approved plans (as amended), listed within this development approval or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.</p>	<p>The development must comply as approved and conditioned by this development permit.</p>	<ul style="list-style-type: none"> i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement. ii. Then at all times, the development must be completed and maintained generally in accordance with the approved amended drawings and documents.

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>6.3 The development must be carried out in accordance with those conditions applicable to one or more of the stages of the development.</p> <p>6.4 Unless otherwise expressly stated, the conditions must be read as being applicable to both stages.</p>		
7. Building Scale and Appearance and Urban Design		
<p><u>Building Height</u></p> <p>7.1 Maximum 3.5m in total building height from natural ground level permitted where a building adjoins a boundary with residential zoned land.</p> <p><u>Site Coverage</u></p> <p>7.2 Ultimate development is not to exceed a maximum 80% in total site coverage.</p> <p><u>Building Setbacks from Boundaries adjoining Residential Zoned Land</u></p> <p>7.3 A minimum 2.0m setback from the outermost projection of all new buildings is to be achieved where adjoining a boundary with residential zoned land.</p> <p><u>All Abilities Access</u></p> <p>7.4 The applicant must provide adequate access for people in wheelchairs by means of an unimpeded continuous path of travel from any adjacent roadway, other public lands and from any carparking bay allocated for use by people with a disability, to all parts of the development which are normally open to the public/other users.</p> <p><u>Urban Design</u></p> <p>7.5 Pedestrian entry points are to be easily identified and directly accessed from the street.</p>	<p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, south eastern and southern boundary the proposed development must be of a scale and appearance that is considered to maintain the existing privacy and amenity experienced by residents.</p>	<p>i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement.</p> <p>ii. Then at all times, the development must be completed and maintained generally in accordance with the approved amended drawings and documents.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>7.6 The safety of all users of the development is to be maximised through the implementation of casual surveillance and sight lines, avoiding personal concealment and entrapment locations, provision of adequate lighting, the use of appropriate signage and wayfinding and clearly defined building entrances.</p> <p><u>Building Materials</u></p> <p>7.7 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><u>Property Numbering</u></p> <p>7.8 Legible property numbers must be erected at the premises and must be maintained. The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.</p>		
8. Roadworks, Access, Parking and Traffic		
<p><u>Stage 1 Works</u></p> <p>8.1 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.</p> <p><u>Stage 2 Works</u></p> <p>8.2 Provide a statement/report prepared by a suitably qualified professional that demonstrates the proposed development will not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding area.</p>	<p>To ensure development is appropriately serviced by parking and access facilities in accordance with relevant legislation, code/s and policy direction and that the safety and amenity of road users and the community in this area is maintained if not enhanced.</p>	<p>1. <u>Stage 2 Works</u></p> <p>i. Assessments and reporting to be completed for Stage 2 works prior to the release of the endorsed survey plan.</p> <p>ii. If required, technical details for any works required, are to be submitted to Council as part of an application for Operational Work.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>8.3 Report must include a parking assessment prepared by a suitably qualified professional addressing all activities/operations associated with the development including, but not limited to:</p> <p>8.3.1 demonstrating that the existing parking in Little Drysdale Street and Macmillan Street is sufficient to meet the requirements during peak times; and</p> <p>8.3.2 how the development will accommodate for the additional car parks required under the planning scheme as a result of the additional floor area introduced in stage 2.</p> <p>8.4 Once endorsed by Council, the requirements and recommendations of the assessment must be implemented.</p> <p>8.5 Any amended plan/s and the approved assessment report will form part of the approval.</p> <p>8.6 If additional on-street parking is required for the development, a minimum 1.8m wide concrete footpath must be constructed from the additional on-street car parks to the development to facilitate safe pedestrian movements. Footpath works will require the submission of an operational works application to Council.</p>		<p>iii. Works to be completed prior to the commencement of the use.</p> <p>2. Then, to be maintained at all times.</p>
Nuisance		
<p>9 Avoiding Nuisance and Environment and Health</p> <p>9.1 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 and/or interference with environmental values as a result of noise, lighting, odour, dust, volume of traffic generated, loss of privacy, aerosols, fumes, particles, or smoke or any other cause including an unhealthy, offensive, or unsightly condition because of contamination.</p>	<p>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>.</p>	<p>At all times, unless other timing is stipulated as part of this condition.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing																								
<p>9.2 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.</p> <p>10 Lighting</p> <p>The vertical illumination resulting from direct, reflected or incidental light coming from the site is not to exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up.</p> <p>11 Acoustic Management and Noise Levels</p> <p><u>Stage 1 and Stage 2</u></p> <p>11.1 The occupier of the building must ensure that the following noise levels are not exceeded (measured at the receptor in dBA) at the specified time during the operation.</p> <table><tr><th>Sensitive receptor</th><th>Time of day</th><th colspan="3">Acoustic quality objectives (measured at the receptor) dB(A)</th></tr><tr><td></td><td></td><td>L_{Aeq,adj,1hr}</td><td>L_{A10,adj,1hr}</td><td>L_{A1,adj,1hr}</td></tr><tr><td>for outdoor receptor</td><td>daytime and evening</td><td>50</td><td>55</td><td>65</td></tr><tr><td rowspan="2">for indoors receptor</td><td>daytime and evening</td><td>35</td><td>40</td><td>45</td></tr><tr><td>night-time</td><td>30</td><td>35</td><td>40</td></tr></table> <p>daytime means the period after 7a.m. on a day to 6p.m. on the day.</p> <p>evening means the period after 6p.m. on a day to 10p.m. on the day.</p>	Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) dB(A)					L _{Aeq,adj,1hr}	L _{A10,adj,1hr}	L _{A1,adj,1hr}	for outdoor receptor	daytime and evening	50	55	65	for indoors receptor	daytime and evening	35	40	45	night-time	30	35	40		
Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) dB(A)																								
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	night-time	30	35	40																						

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p><i>night-time means the period after 10p.m. on a day to 7a.m. on the next day</i></p> <p><u>Stage 2 Works</u></p> <p>12.1 A noise impact assessment from a suitably qualified professional identifying potential noise impacts arising from the development and what treatments will be provided to effectively ameliorate these impacts is to be submitted to Council for review and endorsement, prior to the release of the endorsed survey plan.</p> <p>12.2 Certification must be submitted to Council from a suitably qualified professional that the development has been constructed and can operate in accordance with the requirements of the acoustic and noise level conditions of this development approval, prior to the release for the survey plan.</p> <p>13 Waste Management</p> <p>13.1 All solid wastes or other materials likely to produce contaminants shall be stored in bins with lids in place to prevent the ingress of stormwater.</p> <p>13.2 There shall be no release of litter or contaminants from the site to any roadside, drain or waters.</p> <p>13.3 All waste generated in carrying out the activity must be lawfully reused, recycled, or removed to a facility that can lawfully accept the waste.</p> <p>14 Complaint Management</p> <p>14.1 In the event of a complaint being received by Council in relation to any nuisance associated with the use that is considered reasonable, Council will require the developer/operator to engage</p>		<p><u>Stage 2 Works only</u></p> <p>i) Assessments and reporting to be completed for stage 2 works and approved by Council prior to the release of the endorsed survey plan.</p> <p>ii) If required, works to be completed prior to the commencement of the use or the release of the Development Permit for Building Works, whichever is required first.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>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>14.2 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.</p> <p>14.3 If required as result of the reporting, the developer/operator must undertake any works within three (3) months at no cost to Council.</p>		
15 Infrastructure and Servicing		
<p><u>Stage 1 and Stage 2</u></p> <p>15.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>15.2 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.</p> <p>15.3 An approval for the erection of structures over, or adjacent to sewers is required in accordance with Councils policy.</p> <p><u>Stage 2</u></p> <p>15.4 The approved development must not result in adverse impacts from flooding or overland flow of stormwater.</p>	<p>To ensure the development and premises:</p> <ol style="list-style-type: none"> appropriately manages and conveys stormwater legally and in an environmentally responsible manner; does not result in adverse flood impacts on the surrounding area; and maintains the structural integrity of Council sewerage and water supply infrastructure including maintaining appropriate accessibility to ensure operation, maintenance and replacement of all components 	<ol style="list-style-type: none"> At all times. <u>Stage 2 Works</u> <ol style="list-style-type: none"> Assessments and reporting to be completed for stage 2 works and approved by Council prior to the release of the endorsed survey plan. If required, 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. The application for the erection of structures over or adjacent to

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>15.5 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>15.6 Hydrologic and hydraulic assessments must be carried out to demonstrate that the proposed development will not adversely impact on flooding to upstream, downstream or adjacent properties, or create nuisance ponding on other properties.</p> <p>15.7 A RPEQ with the relevant expertise and experience in hydrological and hydraulic assessment must undertake and certify this report.</p> <p>15.8 Flooding and overland stormwater flow impact assessments must address:</p> <p>15.8.1 All localised flooding events up to and including 1% AEP.</p> <p>15.8.2 Comparison of pre and post development flows entering and exiting the development site.</p> <p>15.8.3 Any suitable mitigation measures required to be implemented to reduce peak post-development stormwater flows to peak pre-development flows.</p> <p>15.9 Any external catchments discharging to the premises must be accepted and accommodated within the Development's stormwater drainage system.</p> <p>15.10 Obtain approval from Council for the assessments/reports/proposal plans required by conditions 15.6 – 15.8.</p> <p>15.11 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or</p>	<p>of the infrastructure is achievable.</p>	<p>sewers is to be submitted and approved by Council prior to the release of the endorsed survey plan.</p> <p>3. To be maintained at all times.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
as otherwise required or agreed to in writing by the Chief Executive Officer.		
Amenity and Safety		
16. Setbacks and Privacy 16.1 All new buildings adjoining residential zoned land provide building setbacks which maintain the privacy of nearby dwellings and incorporate suitable screening. 16.2 Development is designed to minimise overshadowing on adjoining residential zoned land. 16.3 Where adjoining a boundary with residential zoned land the outermost projection of any new buildings is to be setback a minimum 2.0m from the boundary. 16.4 Where windows have a direct view into adjoining residential land, they must be provided with fixed screening that is a maximum of 50% transparent to obscure views and maintain privacy for residents. 17. Landscaping, Fencing and Screening 17.1 Landscaping, fencing and screening measures that contributes to an attractive streetscape and maintains appropriate amenity and privacy to nearby dwellings is to be provided. <u>Landscaping</u> <u>Stage 1</u> 17.2 All existing landscaping provisions to be maintained, except where modified by the conditions of this approval.	As the approved development will ultimately adjoin low density residential zoned land along its eastern, south eastern and southern boundary the proposed development must be of a scale that is considered to maintain the existing privacy and amenity experienced by residents.	i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement. ii. The development must be completed and maintained generally in accordance with the approved amended drawings and documents, at all times.

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p><u>Stage 2</u></p> <p>17.3 Appropriate landscaping treatments to be provided in any areas of external open space.</p> <p>17.4 All landscaping including associated irrigation and fencing and screening measures if applicable must be suitably constructed and maintained for the life of the development.</p> <p><u>Fencing and Screening</u></p> <p><u>Stage 2</u></p> <p>A minimum 1.8m high, no gap fence is to be provided for the full length of the common boundaries of the subject site where adjoining a residential use.</p> <p>18. Visual Treatment of Plant and Equipment</p> <p>18.1 The applicant must ensure all plant and equipment (inclusive of air conditioning units, compressors, generators, ducting, ventilation and the like) is:</p> <ul style="list-style-type: none"> i. not located between any building and/or an adjoining residential premises; and ii. to be appropriately screened and ventilated from view from any dedicated road or adjoining residential premises. <p>19. Refuse Facilities and Waste Management</p> <p>19.1 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 management storage capacity is provided on-site to adequately cater for the demand generated by the use of the premises.</p>		

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>19.2 Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers.</p> <p>19.3 Waste storage areas shall be not visible from the street-front and suitably screened.</p> <p>20 Signage</p> <p>20.1 Any signage to be associated with the use must be designed to the satisfaction of and approved by Council.</p> <p>20.2 To maintain amenity for the adjoining residential properties, no illumination of any signage proposed is to occur unless otherwise approved by Council.</p> <p>21 Storage</p> <p>21.1 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>21.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>21.3 Any storage on-site is required to be screened from view from all roads and adjacent properties.</p>		
22 Mitigation of Flood Hazard		
<p>22.1 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.</p> <p>22.2 Facilities are to be:</p> <ul style="list-style-type: none"> (a) relocatable or readily replaced; (b) not vital to the safe operation of the use during or after a flood event; and 	<p>To ensure development does not worsen the severity of, or exposure, to the hazard on other properties and does not increase the risk to public safety and the environment in a flood event.</p>	<p>At all times</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>(c) located or designed to avoid causing a risk to public safety in the event of a flood or impede the flow of flood water.</p> <p>22.3 Development does not change inundation characteristics outside the subject site in ways that would:</p> <p>(a) result in loss of flood storage or loss of, or changes to, flow paths;</p> <p>(b) adversely change the depth or behaviour of the hazard; or</p> <p>(c) reduce warning times; or</p> <p>(d) increase the duration of the hazard.</p> <p>22.4 Adequate provision is made for safe evacuation, response and recovery during a flood event.</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 Indoor Sport and Recreation</p> <p>Any other uses proposed on this lot that are not defined as “Indoor Sport and Recreation” 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>If required, a development permit for operational works to carry out civil works associated with the planning approval is required prior to any works commencing on-site.</p> <p>b) Erection of Structures over or adjacent to Sewers</p>

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Advice
<p>An approval for the erection of structures over or adjacent to sewers is required in accordance with Council's policy, prior to any works commencing on-site.</p> <p>c) Plumbing and Drainage Works A compliance permit to carry out plumbing and drainage works must be obtained prior to the commencement of plumbing and drainage works.</p> <p>d) Building Works A development permit for building works to carry out building works is required, prior to works commencing on site.</p>
<p>5. Equitable Access and Facilities</p> <p>The plans for the proposed building work have NOT been assessed for compliance with the requirements of the <i>National Construction Code - Building Code of Australia (Volume 1)</i> as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:</p> <ul style="list-style-type: none"> (a) <i>the Disability Discrimination Act 1992 (Commonwealth)</i> (b) <i>the Anti-Discrimination Act 1991 (Queensland)</i> (c) <i>the Disability (Access to Premises – Buildings) Standards.</i>
<p>6. Construction</p> <p>6.1 <u>Commencement</u> Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via planning@burdekin.qld.gov.au</p> <p>6.2 <u>Environmental Nuisance</u> 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. 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>6.3 <u>General Safety of Public During Construction</u></p>

Attachment A – Assessment Manager Conditions of Approval

Advice
<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>6.4 <u>Building Work Noise</u></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>6.5 <u>Storage of Materials and Machinery</u></p>
<p>All construction materials, waste, waste skips, machinery and contractor's vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's 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>7. <u>Aboriginal and Cultural Heritage</u></p>
<p>7.1 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>7.2 The applicant is reminded of their obligations under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au</p>
<p>8. <u>Miscellaneous</u></p>
<p>8.1 Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.</p>
<p>8.2 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>8.3 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>

BBD DRAWING SCHEDULE - MASTER PLAN			
DWG No.	DRAWING TITLE	REV	REV DATE
B000	MASTER COVER SHEET	F	21.06.23
B002	MASTER - ILLUSTRATIONS	F	21.06.23
B101	MASTER - SITE PLAN	F	21.06.23
B211	MASTER - FLOOR PLAN	F	21.06.23
B221	MASTER - ELEVATIONS	F	21.06.23
B231	MASTER - ROOF PLAN	F	21.06.23

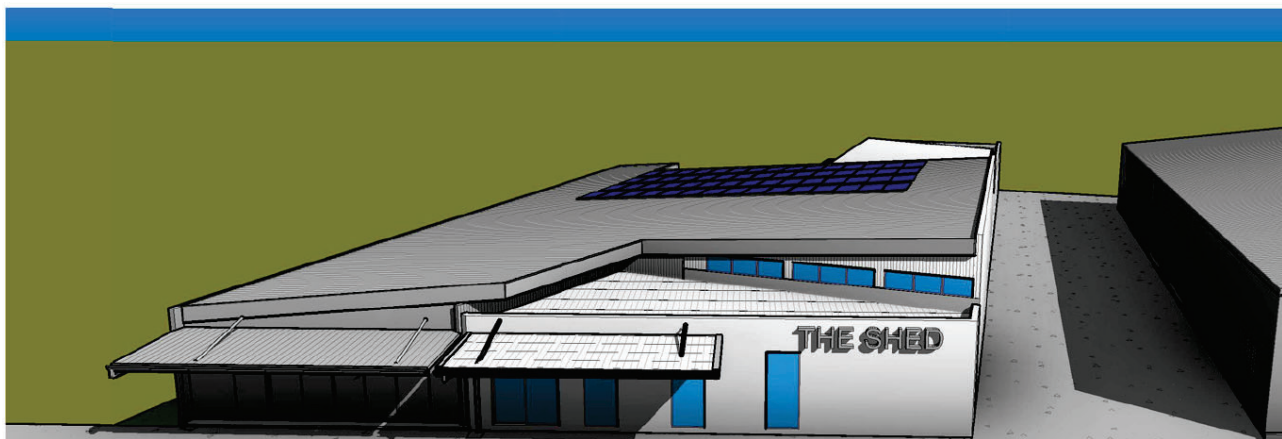
PROPOSED ADDITIONS & ALTERATIONS

for

THE SHED NQ HEALTH & FITNESS

at

5 LITTLE DRYSDALE ST. AYR QLD 4807



COVER SHEET



PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

GENERAL NOTES
(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
(ii) FIGURED DIMENSION TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
(iii) NOTIFY THE BUILDING DESIGN OFFICE IMMEDIATELY OF ANY DISCREPANCIES.
(iv) ALL WORK TO COMPLY WITH CURRENT AND RELEVANT AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA AND LOCAL AUTHORITY REQUIREMENTS.
(v) THESE DESIGNS AND DRAWINGS ARE COPYRIGHT AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE EXPRESS PERMISSION OF THE BURDEKIN BUILDING DESIGN PTY LTD.

B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



burdekin BUILDING DESIGN
A/BN 11 686 746 112 Q/BSA Lic. No. 07910
building design
drafting service
project development
planning service
Ayr: 141 Mackenzie St. Brisbane: 10 Cleavue St.
Ayr Qld 4807 Geelong Q 4034
E: burdindat@bpg.com.au M: 0411425592

DESIGN R.S.
DRAWING R.S.
DESIGN VERIFICATION
DRAFTING CHECK

AUTHORISATION FOR ISSUE

CLIENT
THE SHED NQ HEALTH & FITNESS
PROJECT
NEW GYM

LOCATION
**5 Little Drysdale St
Ayr QLD 4807**

DRAWING
MASTER COVER SHEET

SCALE: AT A3 SIZE CAD ISSUE
CLIENT REFERENCE NO. ISSUE SHEET NO.
BBD2100021 F B000

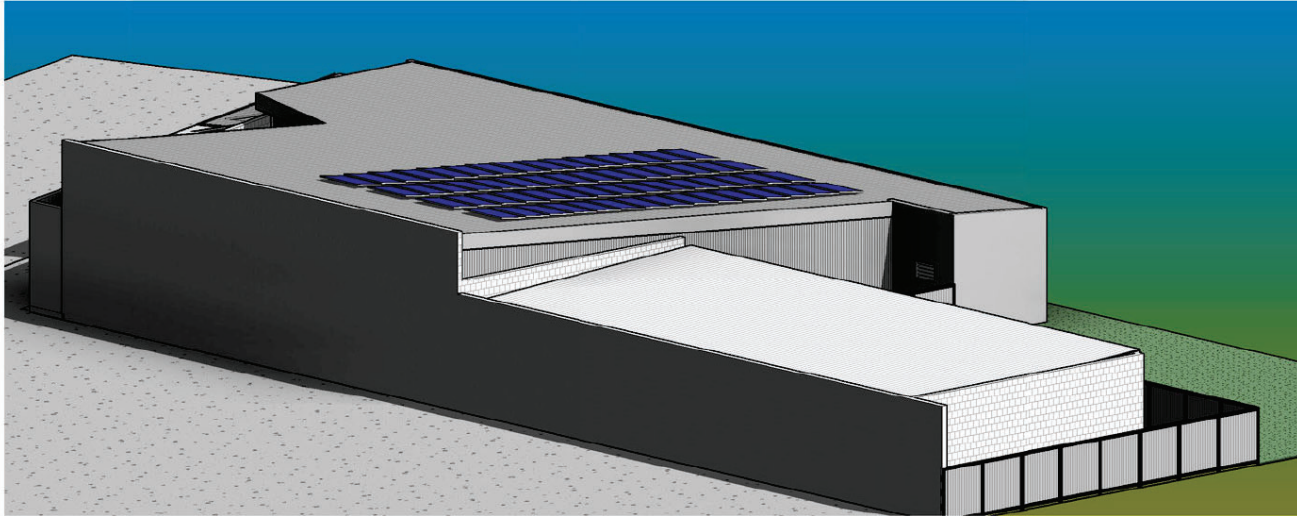


IMAGE 3

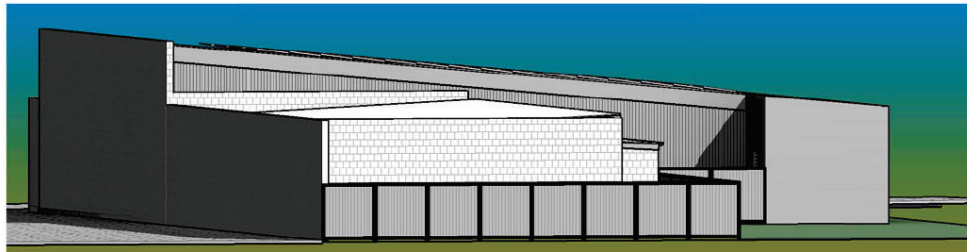


IMAGE 4

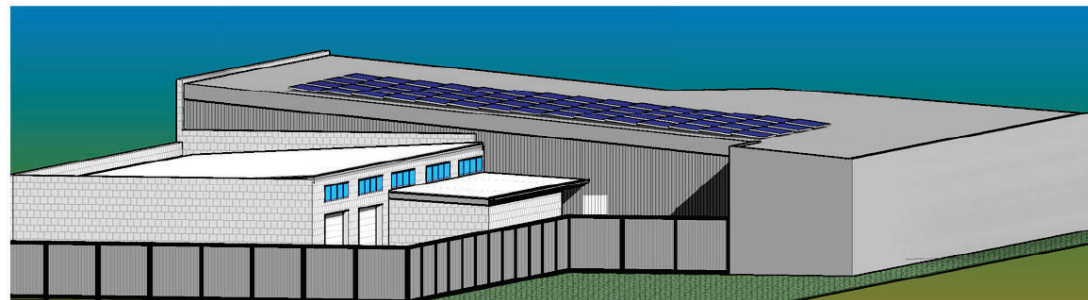


IMAGE 5



PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

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B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



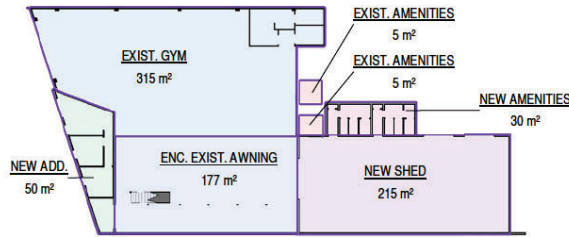
burdekin BUILDING DESIGN
A/BN 11 686 746 112 Q/SSA Lic. No. 07910
building design
drafting service
project development
planning service
Ayr: 141 Mackenzie St. Brisbane: 10 Cleavue St.
Ayr Qld 4807 Geelong Q 4034
E: burddraft@tpg.com.au M: 0411425592

DESIGN R.S. DESIGN VERIFICATION
DRAWN BY R.S. DRAFTING CHECK:
AUTHORISATION FOR ISSUE

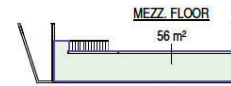
CLIENT
THE SHED NQ HEALTH & FITNESS
PROJECT
NEW GYM
LOCATION
5 Little Drysdale St Ayr QLD 4807

DRAWING
MASTER - ILLUSTRATIONS

SCALE: AT A3 SIZE CAD ISSUE
CLIENT REFERENCE NO. BBD2100021 ISSUE F SHEET NO. B002



MASTER - GND FLOOR AREA
1 : 500



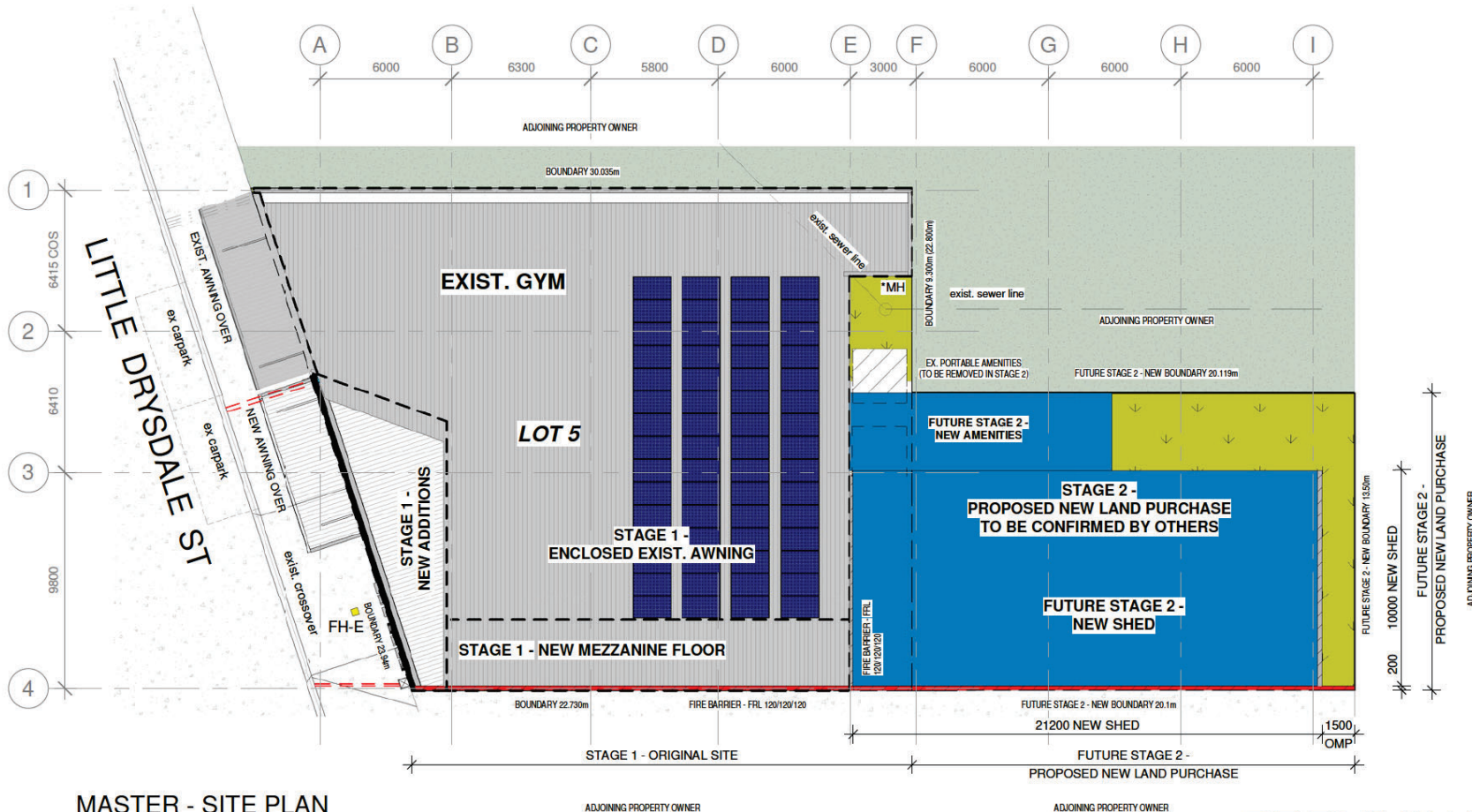
MASTER - MEZZ. FLOOR AREA
1 : 500



GENERAL NOTES
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(ii) FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
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PROPERTY DESCRIPTION:
Lot 5 on RP 882395
Parish: Antill
County: Gladstone
Exist. Site Area: 601.45m²
New Site Area: 271.58m²
TOTAL AREA: 873.03m²

BUILDING CLASSIFICATION:
Class 9b
SITE COVERAGE AREAS:
Master GFA: 797.0m²
Site Coverage: 91.29%



MASTER - SITE PLAN
1 : 200

B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE

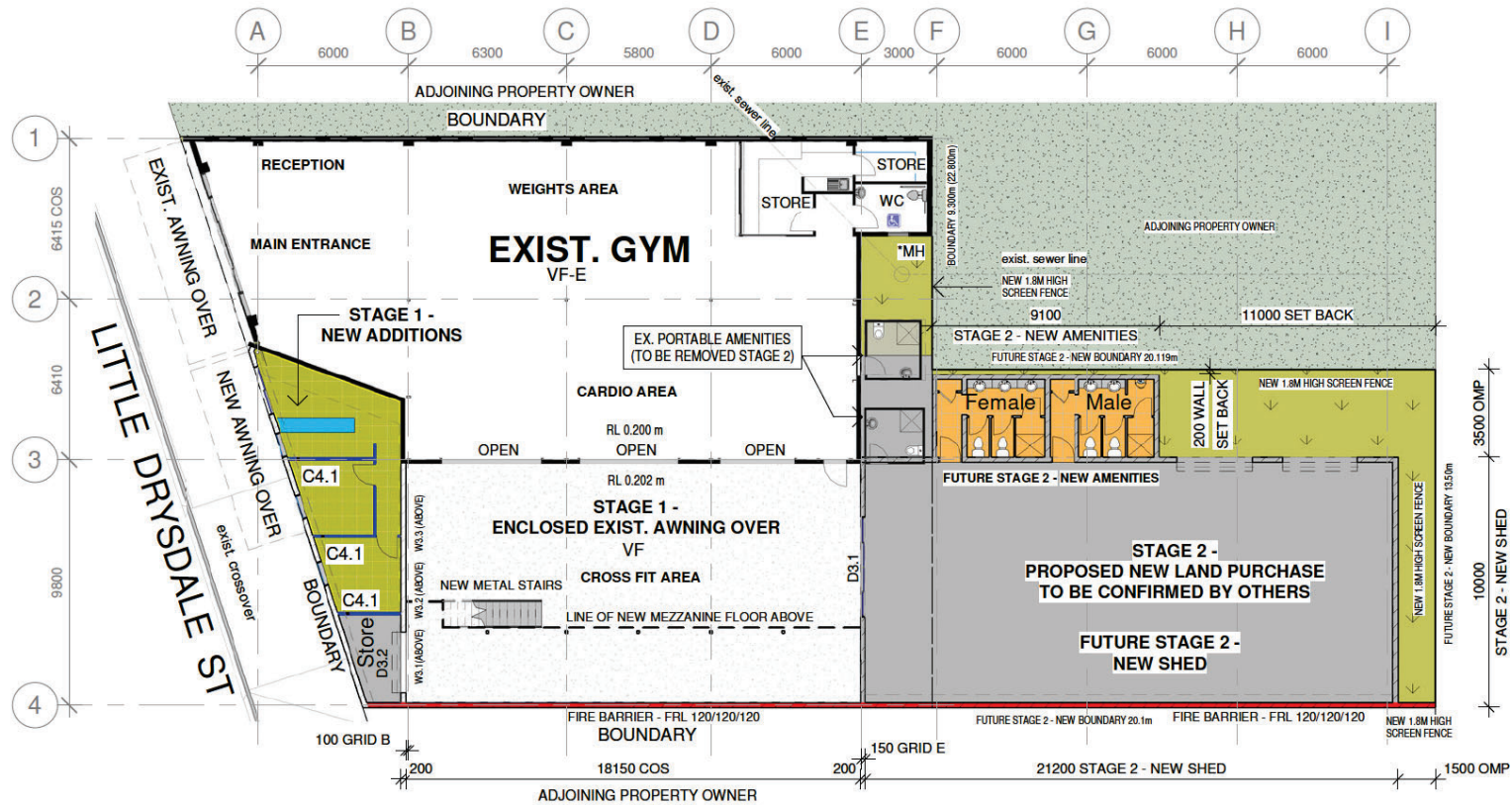
burdekin BUILDING DESIGN
building design
drafting service
project development
planning service
ABN 11 686 746 112 GBSA LDC No. 07/010
Ayr: 141 Mackenzie St. Brisbane: 10 Cleaves St.
Ayr Old 4807 Goeburg Q 4034
E: burddal@tpg.com.au M: 0411425592

DESIGN R.S. DESIGN VERIFICATION R.S.
DRAWN BY R.S. DRAFTING CHECK
AUTHORISATION FOR ISSUE

CLIENT: THE SHED NO HEALTH & FITNESS
PROJECT: NEW GYM
LOCATION: 5 Little Drysdale St Ayr QLD 4807
DRAWING: MASTER - SITE PLAN

PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

SCALE: As indicated AT A3 SIZE CAD ISSUE BA04
CLIENT REFERENCE NO. BBD2100021 ISSUE F SHEET NO. B101



GENERAL NOTES
(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
(ii) FIGURED DIMENSION TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
(iii) NOTIFY THE BUILDING DESIGN OFFICE IMMEDIATELY OF ANY DISCREPANCIES.
(iv) ALL WORK TO COMPLY WITH CURRENT AND RELEVANT AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA AND LOCAL AUTHORITY REQUIREMENTS.
(v) THESE DESIGNS AND DRAWINGS ARE COPYRIGHT AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE EXPRESS PERMISSION OF THE BURDEKIN BUILDING DESIGN PTY LTD.

B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



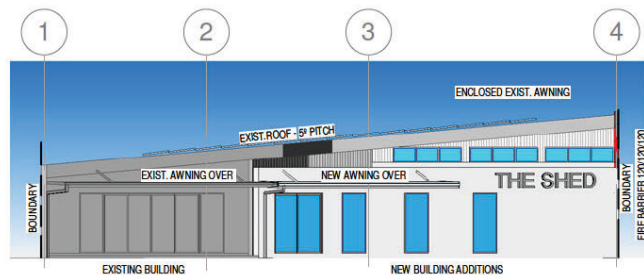
burdekin BUILDING DESIGN
A/N 11 686 746 112 QSLA Lic. No. 07910
building design
drafting service
project development
planning service
Ayr: 141 Mackenzie St. Brisbane: 10 Cleavie St.
Ayr Qld 4807 Geelong Q 4034
E: burdndat@btpg.com.au M: 0411425592

DESIGN R.S.
DRAWING R.S.
AUTHORISATION FOR ISSUE

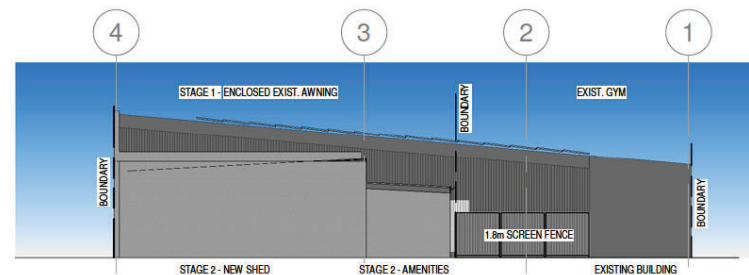
CLIENT
**THE SHED HQ
HEALTH & FITNESS**
PROJECT
NEW GYM
LOCATION
**5 Little Drysdale St
Ayr QLD 4807**
DRAWING
MASTER - FLOOR PLAN

SCALE: 1 : 200 AT A3 SIZE CAD ISSUE
CLIENT REFERENCE NO. BBD2100021 ISSUE F SHEET NO. B211

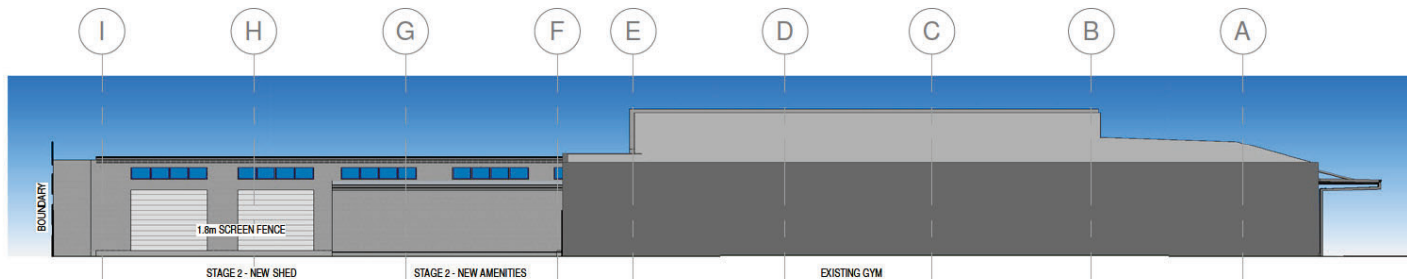
PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES



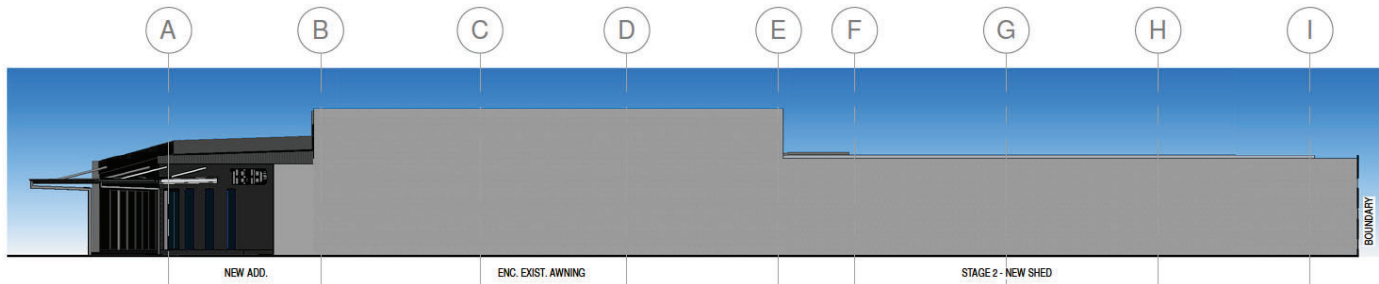
MASTER - NE ELEVATION
1 : 200



MASTER - SW ELEVATION
1 : 200



MASTER - SE ELEVATION
1 : 200



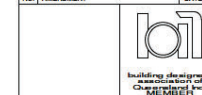
MASTER - NW ELEVATION
1 : 200



PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

GENERAL NOTES
(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
(ii) FIGURED DIMENSION TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
(iii) NOTIFY THE BUILDING DESIGN OFFICE IMMEDIATELY OF ANY DISCREPANCIES.
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B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



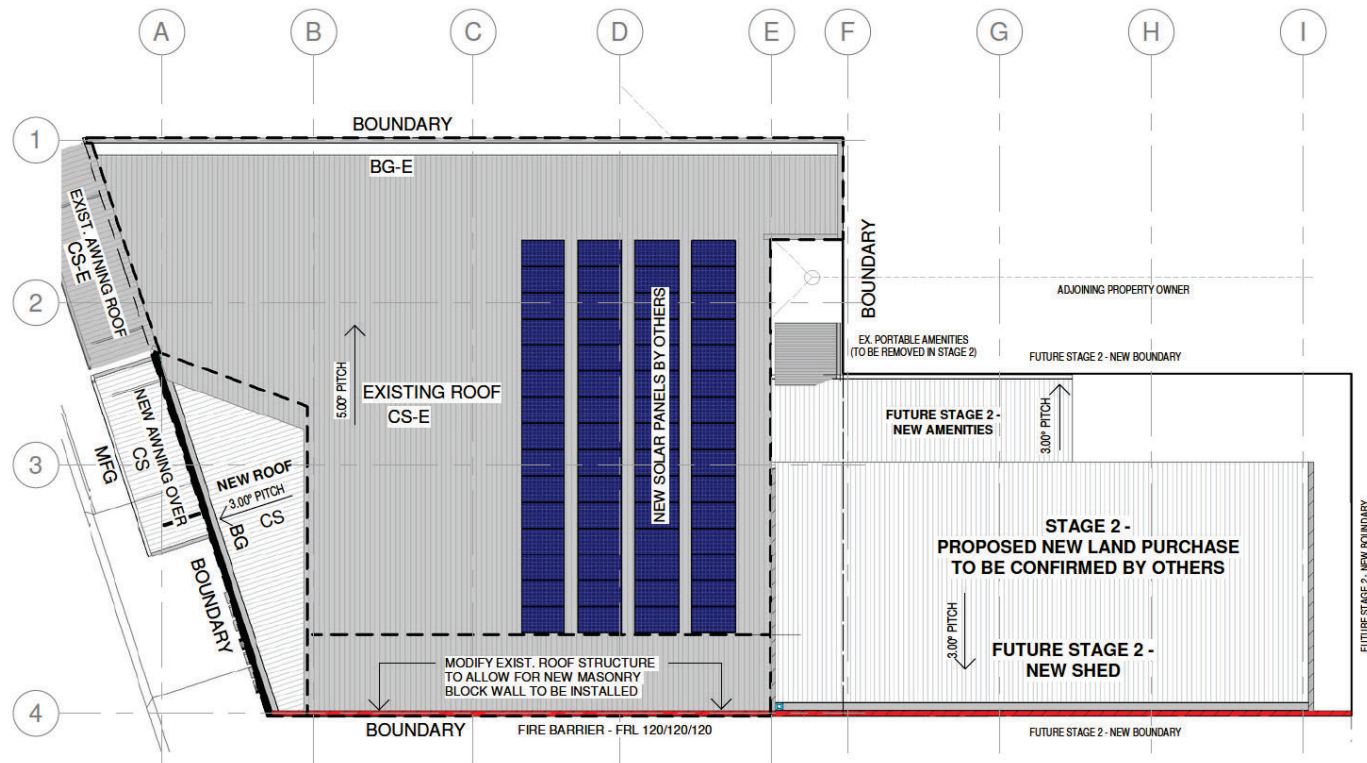
burdekin BUILDING DESIGN
A/BN 11 686 746 112 Q/SSA Lic. No. 07910
building design
drafting service
project development
planning service
Ayr: 141 Mackenzie St. Brisbane: 10 Cleavue St.
Ayr Qld 4807 Geelong Q 4034
E: burdraf@tbg.com.au M: 0411425592

DESIGN R.S.
DRAWING R.S.
DESIGN VERIFICATION
DRAFTING CHECK

AUTHORISATION FOR ISSUE
CLIENT
THE SHED HQ
HEALTH & FITNESS
PROJECT
NEW GYM
LOCATION
5 Little Drysdale St
Ayr QLD 4807

DRAWING
MASTER - ELEVATIONS

SCALE: 1 : 200 AT A3 SIZE CAD ISSUE BA04
CLIENT REFERENCE NO. BBD2100021 ISSUE F SHEET NO. B221



MASTER - ROOF PLAN
1 : 200

GENERAL NOTES
(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
(ii) FIGURED DIMENSION TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
(iii) NOTIFY THE BUILDING DESIGN OFFICE IMMEDIATELY OF ANY DISCREPANCIES.
(iv) ALL WORK TO COMPLY WITH CURRENT AND RELEVANT AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA AND LOCAL AUTHORITY REQUIREMENTS.
(v) THESE DESIGNS AND DRAWINGS ARE COPYRIGHT AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE EXPRESS PERMISSION OF THE BURDEKIN BUILDING DESIGN PTY LTD.

B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



burdekin BUILDING DESIGN
AUST 11 686 746 112 QSLA Lic. No. 07910
building design
drafting service
project development
planning service
Ayr: 141 Mackenzie St. Brisbane: 10 Cleavue St.
Ayr Qld 4807 Geelong Q 4034
E: burdbrd@bpg.com.au M: 0411425592

DESIGN R.S. DESIGN VERIFICATION
DRAWN BY R.S. DRAFTING CHECK:
AUTHORISATION FOR ISSUE

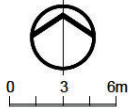
CLIENT
**THE SHED HQ
HEALTH & FITNESS**
PROJECT
NEW GYM
LOCATION
**5 Little Drysdale St
Ayr QLD 4807**
DRAWING
MASTER - ROOF PLAN

SCALE: 1 : 200 AT A3 SIZE CAD ISSUE
CLIENT REFERENCE NO. BBD2100021 ISSUE SHEET NO. F B231

PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

PROPOSED
RECONFIGURATION

Lots 6 & 7
Cancelling Lot 5 on RP882395
& Lot 32 on A26516
Locality of Ayr
Shire of Burdekin



APPROVED
REF: MCU23/0013 DATE: 23/07/2024
J. Gallitto

Date: 8th May, 2023	
Scale: 1:300 @ A3	A3
Drawn: PLT	
Job No: 56940-001-01	
Plan No: 56940/001	A

brazier mott

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.

braziermotti.com.au

SURVEYING
TOWNPLANNING
PROJECT MANAGEMENT
MAPPING & GIS





SARA reference: 2308-36099 SRA
Council reference: MCU23/0013
Applicant reference: 56940-001-01

4 September 2023

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

Attention: Town Planning Section

Dear Sir/Madam

SARA referral agency response— 177 Macmillan Street, Ayr; 5 Little Drysdale Street, Ayr

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 10 August 2023.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	4 September 2023
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Reconfiguring a lot (2 into 2 lots) and Material Change of Use – Indoor Sport and Recreation (Extension of Existing Gym)(Over Two Stages)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Development application for a material change of use within 100m of a state-	

controlled road intersection

SARA reference: 2308-36099 SRA

Assessment manager: Burdekin Shire Council

Street address: 177 Macmillan Street, Ayr; 5 Little Drysdale Street, Ayr

Real property description: 32A26516; 5RP882395

Applicant name: Tonion Investments Pty Ltd c/- Brazier Motti Pty Ltd

Applicant contact details: PO Box 1185
Cairns QLD 4870
Michael.Tessaro@braziermotti.com.au

Human Rights Act 2019 considerations: Consideration of the 23 fundamental human rights protected under the Human Rights Act 2019 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

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

Copies of the relevant provisions are in **Attachment 3**.

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

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

Yours sincerely



Duncan Livingstone
A/Manager (Planning)

cc Tonion Investments Pty Ltd c/- Brazier Motti Pty Ltd, Michael.Tessaro@braziermotti.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

The proposed development is considered to achieve the relevant assessment benchmarks of State code 1 of SDAP. Specifically the development

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

Material used in the assessment of the application:

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

Attachment 3— Representations about a referral agency response provisions

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INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT:	Tonion Investments Pty Ltd										
APPLICATION:	Reconfiguring a Lot (Boundary Realignment) and Material Change of Use for Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages)										
Notice Number:	ICN2024-007										
DATE:	30 July 2024										
FILE REFERENCE:	MCU23/0013										
AMOUNT OF THE LEVIED CHARGE: (Details of how these charges were calculated are shown overleaf)	<p>\$18,525.00 Total</p> <table><tr><td>\$5,130.00</td><td>Water Supply Network</td></tr><tr><td>\$5,130.00</td><td>Sewerage Network</td></tr><tr><td>\$5,415.00</td><td>Transport Network</td></tr><tr><td>\$0.00</td><td>Public Parks and Community Land Network</td></tr><tr><td>\$2,850.00</td><td>Stormwater Network</td></tr></table>	\$5,130.00	Water Supply Network	\$5,130.00	Sewerage Network	\$5,415.00	Transport Network	\$0.00	Public Parks and Community Land Network	\$2,850.00	Stormwater Network
\$5,130.00	Water Supply Network										
\$5,130.00	Sewerage Network										
\$5,415.00	Transport Network										
\$0.00	Public Parks and Community Land Network										
\$2,850.00	Stormwater Network										
AUTOMATIC INCREASE OF LEVIED CHARGE:	The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.										
LAND TO WHICH CHARGE APPLIES:	Lot 5 on RP882395 and Lot 32 on A26516										
SITE ADDRESS:	5 Little Drysdale Street and 177 Macmillan Street, Ayr										
PAYABLE TO:	Burdekin Shire Council										
WHEN PAYABLE: (In accordance with the timing stated in Section 122 of the Planning Act 2016)	Material Change of Use – When the use of Stage 2 development commences.										
OFFSETS OR REFUNDS:	Not Applicable.										

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

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$14,166.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$9,036.00

Sewer Supply

Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$14,166.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$9,036.00

Transport

Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per m ² GFA	\$19.00	CR Table 2.2	\$14,953.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per m ² GFA	\$19.00	CR Table 2.2	\$9,538.00

Public Parks and Land for Community Facilities

Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per m ² GFA	\$0.00	CR Table 2.2	\$0.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per m ² GFA	\$0.00	CR Table 2.2	\$0.00

Stormwater
Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per impervious m ²	\$10.00	CR Table 2.2	\$7,870.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per impervious m ²	\$10.00	CR Table 2.2	\$5,020.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
Indoor Sport and Recreation	\$14,166.00	\$14,166.00	\$14,953.00	\$0.00	\$7,870.00	\$51,155.00
Less Credits	\$9,036.00	\$9,036.00	\$9,538.00	0.00	\$5,020.00	\$32,630.00
Total	\$5,130.00	\$5,130.00	\$5,415.00	\$0.00	\$2,850.00	\$18,525.00

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

Yours faithfully,



Kellie Galletta

MANAGER PLANNING AND DEVELOPMENT

INFORMATION NOTICE

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

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

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

Payment

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

Overseas Payees

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

Method of Payment**PAYMENT BY MAIL**

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

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

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT AT COUNCIL OFFICES

Confirm the current Infrastructure Charge applicable.

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

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT MADE BY CREDIT CARD

Credit Cards accepted: Mastercard or Visa

Enquiries

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

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

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

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

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

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



17.06.2025

Our Ref: 56940-001-02
Your Ref: MCU23/0013

The Chief Executive Officer
Burdekin Shire Council
PO Box 974
AYR QLD 4807

Attn: Planning Department

Dear Planners,

**Application for a Minor Change - Development Permit MCU23/0013
Reconfiguring a Lot (Boundary Realignment) and Material Change of Use –
Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages)
5 Little Drysdale Street and 177 Macmillan Street, Ayr
Lot 5 on RP882395 & Lot 32 on A26516**

We act on behalf of the applicant Tonion Investments Pty Ltd (also being the landowner of Lot5 on RP882395), in relation to the abovementioned matter.

The current approval dated 30 July 2024 (Council Ref: MCU23/0013), copy included within *Attachment C*, permits the extension of the existing gym and boundary realignment over two (2) stages as detailed below:

- Stage 1 - Building works within the existing building; and
- Stage 2 – Boundary Realignment of the subject land and construction of the building located at the rear of the site.

The endorsement of the new plan of survey at the time of Stage 2 does not allow the development to occur in sequence. Formal tenure of the land is required in order to provide the applicant confidence in proceeding with the development. This includes progressing with condition compliance, construction of any new fencing on the realigned boundary and obtaining the necessary building approvals as the landowner of the subject land.

In accordance with section 78 of the *Planning Act 2016 (the Act)*, the Applicant makes a change application for a minor change to the abovementioned development approval to revise the staging of the development to enable the development to be undertaken over three (3) stages rather than two (2) as currently approved.

The staging of the development will be undertaken as detailed below:

- Stage 1 – Boundary Realignment of the subject land;
- Stage 2 – Building works within the existing building; and
- Stage 3 – Construction of the new building located at the rear of the site.



Council has sufficient development enforcement to ensure that the area subject to the boundary realignment cannot be used unlawfully, unless undertaken as detailed in the development approval or an alternative development approval is obtained over the subject area. i.e. the subject area will remain grassed until either of the above occur.

There will be no impact on the submitter as the subject land cannot be utilised unless as detailed in the development approval demonstrating compliance against specific conditions or an alternative development approval is obtained over the subject area.

Our view is the abovementioned changes will only result in amendments to the following conditions:

Applicable Conditions	Suggested Amendments
2.1(ii)	<p>Updated to detail the three (3) stages of development as below:</p> <p>Stage 1 Works</p> <ul style="list-style-type: none">Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516. <p>Stage 2 Works</p> <ul style="list-style-type: none">New addition to building frontage not exceeding a maximum 50m² in GFA;Enclosure of existing awning not exceeding a maximum 122m² in GFA;Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; andNew awning over the footpath located along Little Drysdale Street. <p>Stage 3 Works</p> <ul style="list-style-type: none">Construction of new building (including new amenities) as an extension of the existing gym facility building.
5.1	Updated to detail the three (3) stages of development as indicated above
6.1	Updated to detail the three (3) stages of development as indicated above
8.1	Updated to refer to revised Stage 2
8.2	Updated to refer to revised Stage 3
8.3.2	Updated to refer to revised Stage 3
11	Updated to refer to revised Stages 2 & 3
12.1	Updated to refer to revised Stage 3



15.1-15.3	Updated to refer to revised Stages 2 & 3
15.4-15.11	Updated to refer to revised Stage 3
17.2	Updated to refer to revised Stage 2
17.3-17.4	Updated to refer to revised Stage 3

An assessment of the minor change against the provisions of the *Planning Act 2016* is provided below.

Planning Act 2016 Considerations

The Change Application can only be assessed as a minor change if the change satisfies the definition of *minor change* provided in Schedule 2 of the *Planning Act 2016* as follows:

“minor change means a change that—

(b) for a development approval—

(i) would not result in substantially different development; and

(ii) if a development application for the development, including the change, were made when the change application is made would not cause—

(A) the inclusion of prohibited development in the application; or

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C) referral to extra referral agencies, other than to the chief executive; or

(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or

(E) public notification if public notification was not required for the development application.”

A response as to how the proposed Change Application satisfies the criteria of a *minor change*, as defined within the *Planning Act 2016*, is provided below:

(i) would not result in substantially different development; and

Response:

Schedule 1 of the *Development Assessment Rules* provide advice on determining what is considered substantially different development. On review, it is considered that the proposed changes do not result in a substantially different development as:

- The proposed change does not involve a new use.
- The changes do not result in the application applying to a new parcel of land.
- The proposed changes do not substantially alter the built form of the development – as it simply adjusts the building envelope plan to reflect the new building design, which is similar in built form.



- The proposed change results in the proposed development to operate as originally intended.
- The changes do not result in removing any components of the development.
- The proposed change will not result in significant impacts on traffic flow and the transport network.
- The proposed changes do not introduce or increase the severity of any known impacts.
- There is no incentive or offset component associated with the development approval.

(ii) *if a development application for the development, including the change, were made when the change application is made would not cause –*

(A) *the inclusion of prohibited development in the application; or*

Response:

The proposed changes do not result in the inclusion of prohibited development in the application.

(B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*

(C) *referral to extra referral agencies, other than to the chief executive; or*

(D) *a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*

Response:

There are no new Referral agencies or requirements over that triggered with the initial application.

(E) *public notification if public notification was not required for the development application.*

Response:

The initial development application required public notification and the change does not cause a change to the level of assessment for the development.

Accordingly, based on the above, we advise that the proposed change is considered a minor change as it does not result in substantially different development, does not introduce development that would now be considered prohibited, has no effect on referral agency triggers should the application be remade today.

Responsible Entity

Burdekin Shire Council is the responsible entity for assessing the application.



Affected Entities

No Affected Entities have been identified.

Owner Consent

Lot 5 on RP882395 is owned by the Applicant, Tonion Investments Pty Ltd, written consent is not required to accompany this application. Lot 32 on A26516 land owner consent is included within Attachment C.

We note at the time of obtaining the development permit the subject land was part of larger land holding. The developed land developed in accordance with Development Permit 8/30/327 are Excluded Premises for the purposes the Planning Act and no further landowner consents are required as no changes are proposed to this land.

Application Fee

Council's 2024/2025 Fee Schedule confirms that the applicable for this request is \$1,834.50. The application fee has been paid by the applicant prior to lodgement of this application.

Supporting Documents

In accordance with the Act, the following documentation is attached to allow Council's consideration:

Attachment A: Planning Act Form 5 – Change Application Form;
Attachment B: Certificate of Titles;
Attachment C: Landowner Consent; and
Attachment D: Existing Approval dated 30 July 2024

Conclusion

Overall, it is considered that the above has clearly demonstrated that the proposed changes constitute a minor change and therefore the Change Application can be assessed and approved by Council as minor change.

We trust that the enclosed documentation is sufficient to allow for assessment, however, should you have any further queries or wish to discuss please do not hesitate to contact this office.

Yours Sincerely,

MICHAEL TESSARO
Senior Planner
Brazier Motti Pty Ltd

ATTACHMENT A



Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Tonion Investments Pty Ltd
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	c/- Brazier Motti Pty Ltd, PO Box 1185
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	Australia
Email address (non-mandatory)	cns.planning@braziermotti.com.au
Mobile number (non-mandatory)	(07) 4054 0400
Applicant's reference number(s) (if applicable)	56940-001-02

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		5	Little Drysdale Street	Ayr
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4807	5	RP882395	Burdekin Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		177	Macmillan Street	Ayr
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4807	32	A26516	Burdekin Shire Council



**Queensland
Government**

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Cairns Regional Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCU23/0013	30 July 2024	Burdekin Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Amendments to staging

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes
☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes
☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes
Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes
Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

ATTACHMENT B



Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	20587037	Search Date:	17/03/2025 15:57
Date Title Created:	04/03/1960	Request No:	51237224
Creating Dealing:			

ESTATE AND LAND

Estate in Fee Simple

LOT 32 CROWN PLAN A26516

Local Government: BURDEKIN

REGISTERED OWNER

Dealing No: 706851416 01/08/2003

JASON ANTHONY KILCULLEN

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20587037 (ALLOT 2 SEC 61)
2. MORTGAGE No 706942868 01/09/2003 at 14:59
WESTPAC BANKING CORPORATION A.B.N. 33 007 457 141

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
 ABN 23 648 568 101

Title Reference:	50010967	Search Date:	17/03/2025 15:55
Date Title Created:	24/08/1994	Request No:	51237156
Previous Title:	20348134		

ESTATE AND LAND

Estate in Fee Simple

LOT 5 REGISTERED PLAN 882395
 Local Government: BURDEKIN

REGISTERED OWNER

Dealing No: 722294517 16/02/2023

TONION INVESTMENTS PTY LTD A.C.N. 663 521 775 TRUSTEE
 UNDER INSTRUMENT 722294517

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
 Deed of Grant No. 20348134 (ALLOT 1 SEC 61)
2. MORTGAGE No 722294518 16/02/2023 at 14:38
 J & L MCCATHIE PTY LTD A.C.N. 167 228 382 TRUSTEE
 UNDER INSTRUMENT 722294518

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

ATTACHMENT C



Owner's consent for making a change application under the *Planning Act 2016*

Jason Anthony Kilcullen

as owners of the premises identified as follows:

Lot 32 on A26516

consent to the making of a change application under the *Planning Act 2016* by:

Tonion Investments Pty Ltd c/- Brazier Motti Pty Ltd

For the development permit on land described above for:

Development Approval No. MCU23/0013 dated 30 July 2024



Jason Anthony Kilcullen

Date signed.....

17/06/25

17/06/2025

ATTACHMENT D



Enquiries to: Planning Department
Our Reference: MCU23/0013
Your Reference: 56940-001-01

PO Box 974, Ayr Qld 4807
T (07) 4783 9800 | **F** (07) 4783 9999
planning@burdekin.qld.gov.au
www.burdekin.qld.gov.au

30 July 2024

Tonion Investments Pty Ltd
C/- Brazier Motti
PO Box 1185
Cairns QLD 4870
Email: Cns.planning@braziermotti.com.au

Attention: Michael Tessaro, Senior Planner

Dear Michael,

Development Application No. MCU23/0013

Decision Notice – Staged Development Permit for Reconfiguring a Lot (Boundary Realignment) and Material Change of Use for Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages) located at 5 Little Drysdale Street and 177 Macmillan Street, Ayr (Lot 5 RP882395 and Lot 32 on A26516).

I refer to your application on behalf of Tonion Investments Pty Ltd, seeking a Staged Development Permit for Reconfiguring a Lot (Boundary Realignment) and Material Change of Use – Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages), located at 5 Little Drysdale Street and 177 Macmillan Street, Ayr, on land described as Lot 5 on RP882395 and Lot 32 on A26516.

Your Development Application was assessed by relevant officers and Council resolved to approve the proposed development on **23 July 2024**, subject to reasonable and relevant conditions. Council's Decision Notice is **enclosed**.

This notice outlines the aspects of the development's condition of approval, currency period, approved plans and includes extracts from the Planning Act 2016, with respect to the making representations about conditions, suspension of the appeal period, negotiated decisions, suspension of the appeal period and lodging an appeal, should you wish to do so.

Yours sincerely,



Kellie Galletta

Manager Planning and Development

**Enc: Decision Notice
Appeal Rights**

Decision Notice

Planning Act 2016

30 July 2024

Section 83 of the *Planning Act 2016*

Application Details

This Decision Notice relates to the below Development Application:

Application Number:	MCU23/0013
Applicant Details:	Tonion Investments Pty. Ltd. C/- Brazier Motti PO BOX 1185 Cairns QLD 4870 Via Email: Cns.planning@braziermotti.com.au
Owner Details:	Tonion Investments Pty Ltd and Jason Anthony Kilcullen
Street Address:	5 Little Drysdale Street and 177 Macmillan Street, Ayr
Real Property Description:	Lot 5 on RP882395 and Lot 32 on A26516
Proposal:	Reconfiguring a Lot (Boundary Realignment) and Material Change of Use – Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages)
Planning Scheme:	<i>Burdekin Shire Planning Scheme December 2022</i>
Level of Assessment:	Impact

Decision Details

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provision of the *Planning Act 2016*.

Type of Decision:	Approval with conditions
Date of Decision:	23 July 2024
Decision Type:	Development Permit
Deemed Approval:	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>
Submissions:	One (1) properly made submission was received during the public notification period

Conditions of Approval

The Conditions of Approval are set out in **Attachment A** of this Decision Notice. The conditions are identified to indicate whether the Assessment Manager or a Referral Agency imposed them.

Approved Plans and Documents

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit. The approved plans are included as **Attachment B** of this Decision Notice.

Referral Agencies

The development application was referred in accordance with the following provisions of the *Planning Regulation 2017*:

Referral Status	Referral Agency and Address	Referral Trigger from Planning Regulation 2017
Concurrence	NQSARA, PO Box 5666, Townsville, Q4810 Email: NQSARA@dsdilgp.qld.gov.au	Material Change of Use Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 Material change of use of premises near a State transport corridor or that is a future State transport corridor.

The Referral Agency Responses are set out in **Attachment C** of this Decision Notice.
There are no requirements from NQSARA for this application.

Further Approvals Required

Refer to **Attachment A** - Conditions of Approval.

Infrastructure Charges

The proposal is a development type that triggers infrastructure charges to be applied, as per Council's Charges Resolution. The full Infrastructure Charges Notice is **attached**.

Note: Discount for the existing use has been applied, in accordance with Council's Charges Resolution. The draft applicable charges for this development are based on the proposed ultimate 787m² gross floor area (GFA) supplied in the plans submitted with the application. However the conditions of approval require modifications to the existing proposal. It is anticipated that the final Infrastructure Charges Notice issued will reflect any amendments made to the GFA.

Rights of Appeal

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be the right to make an application for a declaration by Tribunal (refer Chapter 6, Part 2 of the *Planning Act 2016*).

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for

-
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*. A copy of the relevant appeal provisions from the *Planning Act 2016* is **attached**.

Approval Currency Period

Pursuant to Section 85 of the *Planning Act 2016*, the Material Change of Use and Reconfiguring a Lot component of the Development Approval will lapse six (6) years after the approval starts to have effect, unless otherwise conditioned. The currency period can only be extended if the request is received before the approval lapses.

Notice About Decision – Statement of Reasons

This notice is prepared in accordance with s63(5) and s83(9) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the planning scheme and assessment benchmarks against which the application was assessed; and
- any other information, documents or other material council was either required to, or able to, consider in its assessment.

All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

- Centre Zone Code
- Low Density Residential Zone Code
- Flood Hazard Overlay Code
- Development Works Code
- Reconfiguring a Lot Code

Compliance with Assessment Benchmarks and Reasons for the Decision

The proposed development was assessed against all assessment benchmarks listed above and complies with the exception of the following listed. Reasons for approval despite non-compliance are listed below.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Centre Zone Code	
Building scale and appearance	
<p>PO1 Buildings have a height, scale and alignment consistent with the streetscape character, and create a safe, continuous and comfortable pedestrian environment at the street front.</p> <p>AO1.1 Buildings are no more than 2 storeys above natural ground level.</p> <p>AO1.2 The maximum site cover is 75%.</p> <p>AO1.3 Buildings are built to the street alignment and provide an awning over the adjoining footpath.</p> <p>AO1.4 Car parking is provided to the side or the rear of the building but is not provided between the building and the street.</p>	<p>Conditioned to comply.</p> <ol style="list-style-type: none"> 1. Original proposal plans proposed a 90% ultimate site cover and built to boundary. Development approval conditioned in this regard to ensure the development is of consistent streetscape character, scale and appearance: <ul style="list-style-type: none"> • Maximum site coverage does not exceed 80%; and • Appropriate setbacks are achieved from residential zoned properties adjoining the site.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
	<p>2. The proposal does not comply with AO1.4, as it does not include any onsite parking provisions.</p> <p>Development approval has been conditioned in this regard with a Traffic Impact Assessment required to be undertaken and submitted to Council for approval prior to the endorsement of the survey plan for the boundary realignment, proposed as part of Stage 2 of the permit.</p>
Car parking and access	
<p>PO2 Development provides sufficient car parking on-site to accommodate the anticipated demand safely and efficiently.</p> <p>AO2 Vehicle parking on-site and access and manoeuvring areas are in accordance with table 6.2.1.3(e) – Vehicle parking rates and standards.</p>	<p>Conditioned to comply.</p> <p>The proposal does not comply with this benchmark, as it does not include any onsite parking provisions.</p> <p>Development approval has been conditioned in this regard with a Traffic Impact Assessment required to be undertaken and submitted to Council for approval prior to the endorsement of the survey plan for the boundary realignment, proposed as part of Stage 2 of the permit.</p>
Urban design – all parts of the zone	
<p>PO14 Car parking, vehicular access and driveways do not detract from or dominate the street frontage.</p>	<p>Conditioned to comply.</p> <p>The proposal does not comply with this benchmark, as it does not provide any carparking, vehicular access or driveways.</p> <p>Development approval has been conditioned in this regard with a Traffic Impact Assessment required to be undertaken and submitted to Council for approval prior to the endorsement of the survey plan for the boundary realignment, proposed as part of Stage 2 of the permit.</p>
<p>PO16 Landscaping is incorporated into the development and provides shade for pedestrians, enhances its appearance especially in parking and service areas and screens servicing components.</p>	<p>Conditioned to comply.</p> <p>Development approval has been conditioned in this regard to ensure general overall compliance with PO16.</p>
Amenity	
<p>PO18 Development does not create significant impacts on the amenity of nearby land in a residential zone as a result of noise, lighting, odour, dust, volume of traffic generated, loss of privacy or other cause.</p>	<p>Conditioned to comply.</p> <p>Development approval has been conditioned in this regard to ensure general overall compliance with the outcomes sought by PO18 – PO22.</p>

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
<p>PO19 Development adjoining residential zoned land provides building setbacks which maintain the privacy of nearby dwellings and incorporate suitable screening.</p> <p>AO19.1 Buildings have a minimum setback of:</p> <ul style="list-style-type: none"> (a) 3m or half the building height, whichever is greater, to the side boundary; and (b) 6m or half the building height, whichever is greater, to the rear boundary. <p>AO19.2 A screen fence (minimum height of 1.8m and maximum gap of 10mm) is provided along the common site boundaries.</p> <p>AO19.3 Windows with a direct view into adjoining residential land are provided with fixed screening that is a maximum of 50% transparent to obscure views and maintain privacy for residents.</p> <p>PO20 Development is designed to minimise overshadowing on adjoining residential zoned land.</p> <p>AO20 Buildings do not cast a shadow over an adjoining residential lot between the hours of 9am and 3pm on the 22 June.</p> <p>PO21 Materials capable of generating air or odour impacts are wholly enclosed.</p> <p>PO22 All external areas are sealed, turfed or landscaped</p>	<p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, southeastern and southern boundary, the proposed development must be of a scale that is considered to reasonably maintain the existing privacy and amenity experienced by residents.</p> <p>Amended plans will be required to appropriately address matters of site cover, building height and setbacks.</p> <p>Noise, stormwater and traffic impact assessments will be required to be completed and submitted Council for review and approval as part of Stage 2 of the development.</p>
Low Density Residential Zone Code	
Building height	
<p>PO1 Building height is consistent with the existing low-rise scale of the locality.</p> <p>AO1 Buildings are no more than 2 storeys.</p>	<p>Conditioned to comply.</p> <p>Development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Low Density Residential Zone Code where applicable, which requires amended proposal plans to be submitted to Council for review and approval.</p>

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Non-residential uses	
PO14 Non-residential uses establish only where: <ul style="list-style-type: none"> (a) they are compatible with local character; (b) do not create significant impacts on residential amenity; (c) they are small scale, and where for a health care service or veterinary service, limited to a single practitioner; and (d) providing a local community service or supporting the day-to-day needs of the local community. 	Conditioned to comply. Development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Low Density Residential Zone Code where applicable The existing gym facility has been established in the Centre Zone since 2021. This development application seeks to expand the existing gym facility into a portion of low density residential zoned land to the rear of the existing facility located on Lot 32 on A26516. The proposed expansion of the gym facility is not anticipated to significantly alter the local character, due to the majority of the changes occurring away from the frontage located behind the existing building. However, as the approved development will ultimately adjoin low density residential zoned land along its eastern, southeastern and southern boundary, the proposed development must be of a scale and appearance that is considered to maintain the existing privacy and amenity experienced by residents. Amended plans with respect to ultimate site cover, setbacks and building heights are required to be submitted to Council for review and approval. Noise, stormwater and traffic impact assessments will be required to be submitted to Council for review and approval as part of Stage 2 of the development.
PO15 Development: <ul style="list-style-type: none"> (a) is oriented to the street front and (b) maintains a consistent building alignment in the street; and (c) accommodates parking to the side or rear of buildings. 	Conditioned to comply. Development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Low Density Residential Zone Code where applicable. Development is predominantly orientated to the Little Drysdale Street Frontage and is consistent in the existing alignment. No on-site carparking has been proposed as part of the application.
All development – amenity and safety	
PO19	Conditioned to comply.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
<p>Development does not create significant impacts on the residential amenity of the locality as a result of noise, lighting, odour, dust, volume of traffic generated, loss of privacy or other cause.</p>	<p>Development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Low Density Residential Zone Code where applicable, in terms of amenity and safety.</p> <p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, southeastern and southern boundary, the proposed development must be of a scale that is considered to reasonably maintain the existing privacy and amenity experienced by residents.</p> <p>Amended plans will be required and to address matters of site cover, building height and setbacks.</p> <p>Noise, stormwater and traffic impact assessments will be required to be submitted Council for review and approval for Stage 2 of the development.</p>
Development Works Code	
Infrastructure	
<p>PO12</p> <p>Development in an urban zone (other than the township zone) or within the priority infrastructure area is connected to reticulated water, sewerage and stormwater.</p> <p>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.</p>	<p>Conditioned to comply in full.</p> <p>Proposal complies in part with PO12 and the development approval has been conditioned in this regard to ensure general overall compliance with the requirements of the Development Works Code where applicable.</p> <p>The existing development is connected to Council reticulated water supply and sewerage service and has existing stormwater provisions for the existing gym facility.</p> <p>Stage 2 of the development will require the provision of a Stormwater Management Plan which is to be approved by Council as part of Stage 2 works.</p>
<p>PO13</p> <p>Development sites are provided with services in a way that is:</p> <ul style="list-style-type: none"> (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 (d) can be safely, conveniently and cost effectively maintained. <p>AO13</p> <p>All infrastructure required to service the development is provided in accordance with</p>	<p>Conditioned to comply in full.</p> <p>Proposal complies in part with PO13 and the development approval has been conditioned in this regard to ensure full compliance with the requirements of the Development Works Code where applicable.</p> <p>The existing premises are connected to Council's reticulated water supply and sewerage system.</p> <p>Sewer lines and a manhole exist in the site.</p> <p>Council requires the developer to seek a separate approval for the erection of structures over or adjacent to sewers, required in accordance with Council's</p>

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Planning scheme policy – S.C5.2 – Development works.	<p>policy, to ensure appropriate accessibility to Council's sewerage infrastructure is maintained to ensure operation, maintenance and replacement of all components of the infrastructure is achievable.</p> <p>A Stormwater Management Plan will be required for Stage 2 of the development to ensure that the proposed expansion is located, designed, constructed and operated to avoid any adverse impacts related to stormwater overflow to adjoining lots.</p>
Water management	
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.	
PO18 <p>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:</p> <ul style="list-style-type: none">(a) altered stormwater quality and hydrology;(b) waste water;(c) the creation or expansion of non-tidal artificial waterways; or(d) the release and mobilisation of nutrients and sediments.	Conditioned to comply in full. <p>Proposal complies in part with PO18 and the development approval has been conditioned in this regard to ensure full compliance with the requirements of the Development Works Code where applicable.</p> <p>Existing stormwater infrastructure is in place for the existing development.</p> <p>A Stormwater Management Plan will be required for Stage 2 of the development to ensure that the proposed expansion is located, designed, constructed and operated to avoid any adverse impacts arising from stormwater.</p>
PO19 <p>Development achieves the stormwater management design objectives outlined in tables 6.2.1.3(c) and 6.2.1.3(d).</p> <p>Editor's note—Urban purpose is defined in the <i>Planning Regulation 2017</i>.</p>	
PO21 <p>Stormwater drainage is provided that has sufficient capacity to safely remove stormwater run-off, in a way that:</p> <ul style="list-style-type: none">(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.	
Traffic and access	
PO23	

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
<p>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.</p> <p>Note—The road hierarchy is illustrated in Figure 6.2.1.3 of the Development works code.</p>	<p>Conditioned to comply.</p> <p>The development approval has been conditioned in this regard to ensure full compliance with the requirements of the Development Works Code where applicable.</p>
<p>PO24</p> <p>Development maintains a safe environment for pedestrians, cyclists and vehicles on the site and external to the site.</p>	<p>A Traffic Impact Assessment (TIA) is to be provided to Council for review and approval, as part of Stage 2 works.</p>
<p>PO25</p> <p>Development has vehicle access and manoeuvring sufficient to accommodate the anticipated traffic demand and servicing requirements safely and efficiently.</p> <p>AO25</p> <p>Circulation areas, turning areas and driveways comply with Australian Standards AS2890.1 and AS2890.2, as amended from time to time.</p>	
<p>PO26</p> <p>Development (other than dwelling houses and dual occupancies) are designed to enable vehicles to enter and leave the site in a forward direction</p> <p>AO26</p> <p>Circulation areas, turning areas and driveways comply with Australian Standards AS2890.1 and AS2890.2, as amended from time to time.</p>	
<p>PO27</p> <p>Development provides sufficient parking on-site to accommodate the anticipated demand safely and efficiently.</p> <p>AO27</p> <p>Vehicle parking is provided in accordance with table 6.2.1.3(e)—Vehicle parking rates and standards.</p> <p>Where the use is not nominated in table 6.2.1.3(e), no acceptable outcome is nominated.</p>	
<p>PO28</p> <p>On-site parking is clearly defined, safe and easily accessible.</p> <p>AO28</p> <p>Parking areas comply with Australian Standards AS2890.1 and AS2890.2, as amended from time to time.</p>	

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
PO29 Open parking spaces are designed and constructed to facilitate stormwater infiltration on-site.	
Landscaping	
PO33 Landscaping is designed, established and maintained to: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> • 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; • natural drainage lines; • existing levels and finished levels; • a full schedule of plantings and materials including growing characteristics, quantities of each plant and other materials; and • a drainage and irrigation plan. 	Conditioned to comply. The development approval has been conditioned in this regard to ensure landscaping requirements are satisfied where relevant. The proposed Stage 2 of development will be required to turf or pave open space areas and appropriate screen fencing is to be erected along all common boundaries between proposed Lot 6 and the adjoining residential lots containing dwellings.
PO34 Landscaping: <ul style="list-style-type: none"> (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. 	

Council exercises its discretion to approve the application even though the development may not strictly comply with an aspect of the assessment benchmarks, as the proposed development can, or can be conditioned to generally comply with the Strategic Framework and the intent of the relevant codes that apply including the Centre Zone Code, Low Density Residential Zone Code, Flood Hazard Overlay Code, Development Works Code, and Reconfiguring a Lot Code.

To ensure the amenity and safety of the existing locality is not negatively impacted, several conditions have been imposed on the proposed Stage 2 development specifically, including but not limited to, requiring the following assessments to be completed and provided to Council for review and approval:

- Hydrologic and hydraulic assessment.
- Noise impact assessment
- Traffic and parking impact assessment.

Properly Made Submissions

One (1) properly made submission was received during the public notification period from J and K Ryder.

The submission expressed concerns with the following aspects of the development:

- Developer has not shown the surface drainage intent of the open-air area behind Stage 2 development.
- Concern that surfacing sloping towards neighbouring properties could increase stormwater runoff.
- The level of noise impact as the developer has decided not to provide Council with a noise impact assessment report.
- Concern that the proposed expansion of operation will increase noise impact compared to the current levels, due to the closer proximity of the gym to neighbouring residential lots, particularly from outdoor gym activities in the early hours in the morning and evening.
- Concerns with the noise emanated by the proposed two large roller doors and louvres.

Council must consider all properly made submissions in the assessment process in accordance with the provisions of the *Planning Act 2016* and the Development Assessment Rules and has conditioned the Development Permit appropriately, to minimise effects upon the existing amenity of the area and possible nuisance concerns as a result of the development.

Appeal Rights

Planning Act 2016 & The Planning Regulation 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.

- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
1. General and Administration		
<u>Compliance with Conditions</u>		At all times.
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.		

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council.</p> <p><u>Infrastructure Conditions</u></p> <p>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.</p>		
2. Approved Plans and Documents		
<p><u>Approved Plans & Documents – Required Changes</u></p> <p>2.1 Submit to, and have approved in writing by Council, the following changes to the approved plans:</p> <p>(i) Master site plan prepared by Burdekin Building Design to be amended to reflect the ultimate and staged development where:</p> <ul style="list-style-type: none"> ▪ It does not exceed a maximum of 80% in total site coverage; and ▪ a boundary adjoining with residential zoned land achieves a: <ul style="list-style-type: none"> - maximum 3.5m in total building height from natural ground level; and - minimum 2.0m setback from the outermost projection of new buildings. <p>(ii) Stages of development are as follows:</p> <p>a) <u>Stage 1 Works</u></p> <ul style="list-style-type: none"> • New addition to building frontage not exceeding a maximum 50m² in GFA; • Enclosure of existing awning not exceeding a maximum 122m² in GFA; 	<p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, south eastern and southern boundary, the proposed development must be of a scale that is considered to maintain the existing privacy and amenity experienced by residents.</p>	<p>i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement.</p> <p>ii. Once approved, the use and associated works must be completed and maintained generally in accordance with the approved drawings and documents, at all times.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<ul style="list-style-type: none"> Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and New awning over the footpath located along Little Drysdale Street. <p>b) <u>Stage 2 Works</u></p> <ul style="list-style-type: none"> Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516); and Construction of new building (including new amenities) as an extension of the existing gym facility building. <p>2.2 Once approved, the amended plans and documents will become the approved plans and documents.</p> <p>2.3 The proposed development must be completed, comply with and maintained, generally in accordance with the amended plans as per Conditions 2.1 and 2.2 as above, and drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.</p> <p>2.4 One full set of the most recent approved plans must be held on-site and available for inspection for the duration of the construction phase.</p> <p>2.5 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.</p>		

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
2.6 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
Master – Cover Sheet	Ref No BBD2100021, Issue F, Sheet No B000	21.06.23
Master – Illustrations	Ref No BBD2100021, Issue F, Sheet No B002	21.06.23
Master – Site Plan	Ref No BBD2100021, Issue F, Sheet No B101	21.06.23
Master – Floor Plan	Ref No BBD2100021, Issue F, Sheet No B211	21.06.23
Master – Elevations	Ref No BBD2100021, Issue F, Sheet No B221	21.06.23
Master – Roof Plan	Ref No BBD2100021, Issue F, Sheet No B231	21.06.23
Proposed Reconfiguration Lots 6 & 7 cancelling Lot 5 on RP882395 and Lot 32 on A26516	Plan No. 56940/001 A	08.05.23
3. Outstanding Charges		
All rates and charges (including infrastructure charges), in arrears in respect of the land subject of the application, are to be paid in full prior to the commencement of the proposed use.		
4. Notice of Intention to Commence the Use		
A minimum two (2) weeks prior to the commencement of the use on the land subject to this 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.		
5. Nature and Extent of Approved Use		
5.1 This approval provides for a staged development comprising: <u>Stage 1 Works</u> <ul style="list-style-type: none"> New addition to building frontage not exceeding a maximum 50m² in GFA; 	The development must comply with all planning scheme requirements including definitions, nature and	At all times.

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<ul style="list-style-type: none"> Enclosure of existing awning not exceeding a maximum 122m² in GFA; Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and New awning over the footpath located along Little Drysdale Street. <p><u>Stage 2 Works</u></p> <ul style="list-style-type: none"> Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516); and Construction of new building (including new amenities) as an extension of the existing gym facility building. <p>5.2 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 and Condition 5.</p> <p>5.3 No other operations and/or activities are allowed other than that approved by this permit.</p> <p>5.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the applicant.</p> <p>5.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.</p>	<p>extent as approved and conditioned by this development permit.</p>	

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
6. Staged Development		
<p>6.1 Staging of the development is to occur in accordance with the staging indicated on the approved plans (as amended) listed within this development approval, subject to and modified by any conditions of this development approval, being:</p> <p><u>Stage 1 Works</u></p> <ul style="list-style-type: none"> • New addition to building frontage not exceeding a maximum 50m² in GFA; • Enclosure of existing awning not exceeding a maximum 122m² in GFA; • Alterations to the existing building being the addition of an internal mezzanine floor not exceeding a maximum 56m² in GFA; and • New awning over the footpath located along Little Drysdale Street. <p><u>Stage 2 Works</u></p> <ul style="list-style-type: none"> • Reconfiguration of a Lot - Boundary Realignment of two (2) lots (currently Lot 5 on RP882395 and Lot 32 on A26516); and • Construction of new building (including new amenities) as an extension of the existing gym facility building. <p>6.2 Stages must be completed in sequential order (i.e. stage 1 must be completed before stage 2) as identified on the approved plans (as amended), listed within this development approval or may be combined and carried out at one time, subject to all conditions applicable to the relevant stages being complied with.</p>	<p>The development must comply as approved and conditioned by this development permit.</p>	<ul style="list-style-type: none"> i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement. ii. Then at all times, the development must be completed and maintained generally in accordance with the approved amended drawings and documents.

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>6.3 The development must be carried out in accordance with those conditions applicable to one or more of the stages of the development.</p> <p>6.4 Unless otherwise expressly stated, the conditions must be read as being applicable to both stages.</p>		
7. Building Scale and Appearance and Urban Design		
<p><u>Building Height</u></p> <p>7.1 Maximum 3.5m in total building height from natural ground level permitted where a building adjoins a boundary with residential zoned land.</p> <p><u>Site Coverage</u></p> <p>7.2 Ultimate development is not to exceed a maximum 80% in total site coverage.</p> <p><u>Building Setbacks from Boundaries adjoining Residential Zoned Land</u></p> <p>7.3 A minimum 2.0m setback from the outermost projection of all new buildings is to be achieved where adjoining a boundary with residential zoned land.</p> <p><u>All Abilities Access</u></p> <p>7.4 The applicant must provide adequate access for people in wheelchairs by means of an unimpeded continuous path of travel from any adjacent roadway, other public lands and from any carparking bay allocated for use by people with a disability, to all parts of the development which are normally open to the public/other users.</p> <p><u>Urban Design</u></p> <p>7.5 Pedestrian entry points are to be easily identified and directly accessed from the street.</p>	<p>As the approved development will ultimately adjoin low density residential zoned land along its eastern, south eastern and southern boundary the proposed development must be of a scale and appearance that is considered to maintain the existing privacy and amenity experienced by residents.</p>	<p>i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement.</p> <p>ii. Then at all times, the development must be completed and maintained generally in accordance with the approved amended drawings and documents.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>7.6 The safety of all users of the development is to be maximised through the implementation of casual surveillance and sight lines, avoiding personal concealment and entrapment locations, provision of adequate lighting, the use of appropriate signage and wayfinding and clearly defined building entrances.</p> <p><u>Building Materials</u></p> <p>7.7 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><u>Property Numbering</u></p> <p>7.8 Legible property numbers must be erected at the premises and must be maintained. The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.</p>		
8. Roadworks, Access, Parking and Traffic		
<p><u>Stage 1 Works</u></p> <p>8.1 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.</p> <p><u>Stage 2 Works</u></p> <p>8.2 Provide a statement/report prepared by a suitably qualified professional that demonstrates the proposed development will not impact adversely on the efficiency and safety of the transport network and those who use it, nor adversely impact on the immediately surrounding area.</p>	<p>To ensure development is appropriately serviced by parking and access facilities in accordance with relevant legislation, code/s and policy direction and that the safety and amenity of road users and the community in this area is maintained if not enhanced.</p>	<p>1. <u>Stage 2 Works</u></p> <p>i. Assessments and reporting to be completed for Stage 2 works prior to the release of the endorsed survey plan.</p> <p>ii. If required, technical details for any works required, are to be submitted to Council as part of an application for Operational Work.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>8.3 Report must include a parking assessment prepared by a suitably qualified professional addressing all activities/operations associated with the development including, but not limited to:</p> <p>8.3.1 demonstrating that the existing parking in Little Drysdale Street and Macmillan Street is sufficient to meet the requirements during peak times; and</p> <p>8.3.2 how the development will accommodate for the additional car parks required under the planning scheme as a result of the additional floor area introduced in stage 2.</p> <p>8.4 Once endorsed by Council, the requirements and recommendations of the assessment must be implemented.</p> <p>8.5 Any amended plan/s and the approved assessment report will form part of the approval.</p> <p>8.6 If additional on-street parking is required for the development, a minimum 1.8m wide concrete footpath must be constructed from the additional on-street car parks to the development to facilitate safe pedestrian movements. Footpath works will require the submission of an operational works application to Council.</p>		<p>iii. Works to be completed prior to the commencement of the use.</p> <p>2. Then, to be maintained at all times.</p>
Nuisance		
<p>9 Avoiding Nuisance and Environment and Health</p> <p>9.1 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 and/or interference with environmental values as a result of noise, lighting, odour, dust, volume of traffic generated, loss of privacy, aerosols, fumes, particles, or smoke or any other cause including an unhealthy, offensive, or unsightly condition because of contamination.</p>	<p>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>.</p>	<p>At all times, unless other timing is stipulated as part of this condition.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing																								
<p>9.2 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.</p> <p>10 Lighting</p> <p>The vertical illumination resulting from direct, reflected or incidental light coming from the site is not to exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up.</p> <p>11 Acoustic Management and Noise Levels</p> <p><u>Stage 1 and Stage 2</u></p> <p>11.1 The occupier of the building must ensure that the following noise levels are not exceeded (measured at the receptor in dBA) at the specified time during the operation.</p> <table><tr><th>Sensitive receptor</th><th>Time of day</th><th colspan="3">Acoustic quality objectives (measured at the receptor) dB(A)</th></tr><tr><td></td><td></td><td>L_{Aeq,adj,1hr}</td><td>L_{A10,adj,1hr}</td><td>L_{A1,adj,1hr}</td></tr><tr><td>for outdoor receptor</td><td>daytime and evening</td><td>50</td><td>55</td><td>65</td></tr><tr><td rowspan="2">for indoors receptor</td><td>daytime and evening</td><td>35</td><td>40</td><td>45</td></tr><tr><td>night-time</td><td>30</td><td>35</td><td>40</td></tr></table> <p>daytime means the period after 7a.m. on a day to 6p.m. on the day.</p> <p>evening means the period after 6p.m. on a day to 10p.m. on the day.</p>	Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) dB(A)					L _{Aeq,adj,1hr}	L _{A10,adj,1hr}	L _{A1,adj,1hr}	for outdoor receptor	daytime and evening	50	55	65	for indoors receptor	daytime and evening	35	40	45	night-time	30	35	40		
Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) dB(A)																								
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	night-time	30	35	40																						

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p><i>night-time means the period after 10p.m. on a day to 7a.m. on the next day</i></p> <p><u>Stage 2 Works</u></p> <p>12.1 A noise impact assessment from a suitably qualified professional identifying potential noise impacts arising from the development and what treatments will be provided to effectively ameliorate these impacts is to be submitted to Council for review and endorsement, prior to the release of the endorsed survey plan.</p> <p>12.2 Certification must be submitted to Council from a suitably qualified professional that the development has been constructed and can operate in accordance with the requirements of the acoustic and noise level conditions of this development approval, prior to the release for the survey plan.</p> <p>13 Waste Management</p> <p>13.1 All solid wastes or other materials likely to produce contaminants shall be stored in bins with lids in place to prevent the ingress of stormwater.</p> <p>13.2 There shall be no release of litter or contaminants from the site to any roadside, drain or waters.</p> <p>13.3 All waste generated in carrying out the activity must be lawfully reused, recycled, or removed to a facility that can lawfully accept the waste.</p> <p>14 Complaint Management</p> <p>14.1 In the event of a complaint being received by Council in relation to any nuisance associated with the use that is considered reasonable, Council will require the developer/operator to engage</p>		<p><u>Stage 2 Works only</u></p> <p>i) Assessments and reporting to be completed for stage 2 works and approved by Council prior to the release of the endorsed survey plan.</p> <p>ii) If required, works to be completed prior to the commencement of the use or the release of the Development Permit for Building Works, whichever is required first.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>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>14.2 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.</p> <p>14.3 If required as result of the reporting, the developer/operator must undertake any works within three (3) months at no cost to Council.</p>		
15 Infrastructure and Servicing		
<p><u>Stage 1 and Stage 2</u></p> <p>15.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>15.2 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.</p> <p>15.3 An approval for the erection of structures over, or adjacent to sewers is required in accordance with Councils policy.</p> <p><u>Stage 2</u></p> <p>15.4 The approved development must not result in adverse impacts from flooding or overland flow of stormwater.</p>	<p>To ensure the development and premises:</p> <ol style="list-style-type: none"> appropriately manages and conveys stormwater legally and in an environmentally responsible manner; does not result in adverse flood impacts on the surrounding area; and maintains the structural integrity of Council sewerage and water supply infrastructure including maintaining appropriate accessibility to ensure operation, maintenance and replacement of all components 	<ol style="list-style-type: none"> At all times. <u>Stage 2 Works</u> <ol style="list-style-type: none"> Assessments and reporting to be completed for stage 2 works and approved by Council prior to the release of the endorsed survey plan. If required, 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. The application for the erection of structures over or adjacent to

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>15.5 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>15.6 Hydrologic and hydraulic assessments must be carried out to demonstrate that the proposed development will not adversely impact on flooding to upstream, downstream or adjacent properties, or create nuisance ponding on other properties.</p> <p>15.7 A RPEQ with the relevant expertise and experience in hydrological and hydraulic assessment must undertake and certify this report.</p> <p>15.8 Flooding and overland stormwater flow impact assessments must address:</p> <p>15.8.1 All localised flooding events up to and including 1% AEP.</p> <p>15.8.2 Comparison of pre and post development flows entering and exiting the development site.</p> <p>15.8.3 Any suitable mitigation measures required to be implemented to reduce peak post-development stormwater flows to peak pre-development flows.</p> <p>15.9 Any external catchments discharging to the premises must be accepted and accommodated within the Development's stormwater drainage system.</p> <p>15.10 Obtain approval from Council for the assessments/reports/proposal plans required by conditions 15.6 – 15.8.</p> <p>15.11 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or</p>	<p>of the infrastructure is achievable.</p>	<p>sewers is to be submitted and approved by Council prior to the release of the endorsed survey plan.</p> <p>3. To be maintained at all times.</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
as otherwise required or agreed to in writing by the Chief Executive Officer.		
Amenity and Safety		
16. Setbacks and Privacy 16.1 All new buildings adjoining residential zoned land provide building setbacks which maintain the privacy of nearby dwellings and incorporate suitable screening. 16.2 Development is designed to minimise overshadowing on adjoining residential zoned land. 16.3 Where adjoining a boundary with residential zoned land the outermost projection of any new buildings is to be setback a minimum 2.0m from the boundary. 16.4 Where windows have a direct view into adjoining residential land, they must be provided with fixed screening that is a maximum of 50% transparent to obscure views and maintain privacy for residents. 17. Landscaping, Fencing and Screening 17.1 Landscaping, fencing and screening measures that contributes to an attractive streetscape and maintains appropriate amenity and privacy to nearby dwellings is to be provided. <u>Landscaping</u> <u>Stage 1</u> 17.2 All existing landscaping provisions to be maintained, except where modified by the conditions of this approval.	As the approved development will ultimately adjoin low density residential zoned land along its eastern, south eastern and southern boundary the proposed development must be of a scale that is considered to maintain the existing privacy and amenity experienced by residents.	i. Amended plans are to be submitted to Council for approval prior to lodgement of the survey plan for the boundary realignment to Council for endorsement. ii. The development must be completed and maintained generally in accordance with the approved amended drawings and documents, at all times.

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p><u>Stage 2</u></p> <p>17.3 Appropriate landscaping treatments to be provided in any areas of external open space.</p> <p>17.4 All landscaping including associated irrigation and fencing and screening measures if applicable must be suitably constructed and maintained for the life of the development.</p> <p><u>Fencing and Screening</u></p> <p><u>Stage 2</u></p> <p>A minimum 1.8m high, no gap fence is to be provided for the full length of the common boundaries of the subject site where adjoining a residential use.</p> <p>18. Visual Treatment of Plant and Equipment</p> <p>18.1 The applicant must ensure all plant and equipment (inclusive of air conditioning units, compressors, generators, ducting, ventilation and the like) is:</p> <ul style="list-style-type: none"> i. not located between any building and/or an adjoining residential premises; and ii. to be appropriately screened and ventilated from view from any dedicated road or adjoining residential premises. <p>19. Refuse Facilities and Waste Management</p> <p>19.1 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 management storage capacity is provided on-site to adequately cater for the demand generated by the use of the premises.</p>		

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>19.2 Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers.</p> <p>19.3 Waste storage areas shall be not visible from the street-front and suitably screened.</p> <p>20 Signage</p> <p>20.1 Any signage to be associated with the use must be designed to the satisfaction of and approved by Council.</p> <p>20.2 To maintain amenity for the adjoining residential properties, no illumination of any signage proposed is to occur unless otherwise approved by Council.</p> <p>21 Storage</p> <p>21.1 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>21.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>21.3 Any storage on-site is required to be screened from view from all roads and adjacent properties.</p>		
22 Mitigation of Flood Hazard		
<p>22.1 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.</p> <p>22.2 Facilities are to be:</p> <ul style="list-style-type: none"> (a) relocatable or readily replaced; (b) not vital to the safe operation of the use during or after a flood event; and 	<p>To ensure development does not worsen the severity of, or exposure, to the hazard on other properties and does not increase the risk to public safety and the environment in a flood event.</p>	<p>At all times</p>

Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>(c) located or designed to avoid causing a risk to public safety in the event of a flood or impede the flow of flood water.</p> <p>22.3 Development does not change inundation characteristics outside the subject site in ways that would:</p> <p>(a) result in loss of flood storage or loss of, or changes to, flow paths;</p> <p>(b) adversely change the depth or behaviour of the hazard; or</p> <p>(c) reduce warning times; or</p> <p>(d) increase the duration of the hazard.</p> <p>22.4 Adequate provision is made for safe evacuation, response and recovery during a flood event.</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 Indoor Sport and Recreation</p> <p>Any other uses proposed on this lot that are not defined as “Indoor Sport and Recreation” 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>If required, a development permit for operational works to carry out civil works associated with the planning approval is required prior to any works commencing on-site.</p> <p>b) Erection of Structures over or adjacent to Sewers</p>

Attachment A – Assessment Manager Conditions of Approval

Advice
<p>An approval for the erection of structures over or adjacent to sewers is required in accordance with Council's policy, prior to any works commencing on-site.</p> <p>c) Plumbing and Drainage Works A compliance permit to carry out plumbing and drainage works must be obtained prior to the commencement of plumbing and drainage works.</p> <p>d) Building Works A development permit for building works to carry out building works is required, prior to works commencing on site.</p>
<p>5. Equitable Access and Facilities</p> <p>The plans for the proposed building work have NOT been assessed for compliance with the requirements of the <i>National Construction Code - Building Code of Australia (Volume 1)</i> as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:</p> <ul style="list-style-type: none"> (a) <i>the Disability Discrimination Act 1992 (Commonwealth)</i> (b) <i>the Anti-Discrimination Act 1991 (Queensland)</i> (c) <i>the Disability (Access to Premises – Buildings) Standards.</i>
<p>6. Construction</p> <p>6.1 <u>Commencement</u> Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via planning@burdekin.qld.gov.au</p> <p>6.2 <u>Environmental Nuisance</u> 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. 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>6.3 <u>General Safety of Public During Construction</u></p>

Attachment A – Assessment Manager Conditions of Approval

Advice	
<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>	
6.4	<p><u>Building Work Noise</u></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.
6.5	<p><u>Storage of Materials and Machinery</u></p> <p>All construction materials, waste, waste skips, machinery and contractor's vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's 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>
7.	Aboriginal and Cultural Heritage
7.1	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.
7.2	The applicant is reminded of their obligations under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> . Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au
8.	Miscellaneous
8.1	Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.
8.2	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.
8.3	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.

BBD DRAWING SCHEDULE - MASTER PLAN			
DWG No.	DRAWING TITLE	REV	REV DATE
B000	MASTER COVER SHEET	F	21.06.23
B002	MASTER - ILLUSTRATIONS	F	21.06.23
B101	MASTER - SITE PLAN	F	21.06.23
B211	MASTER - FLOOR PLAN	F	21.06.23
B221	MASTER - ELEVATIONS	F	21.06.23
B231	MASTER - ROOF PLAN	F	21.06.23

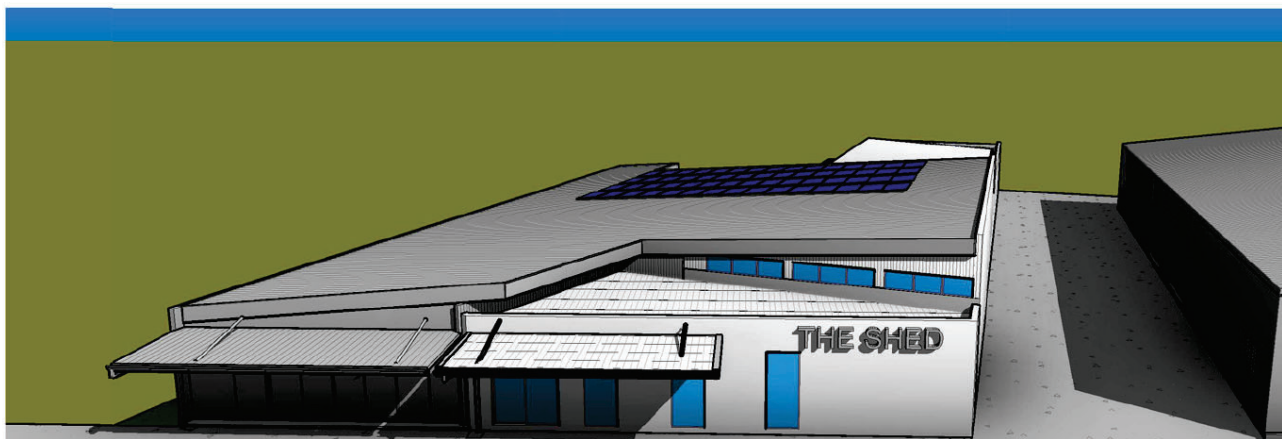
PROPOSED ADDITIONS & ALTERATIONS

for

THE SHED NQ HEALTH & FITNESS

at

5 LITTLE DRYSDALE ST. AYR QLD 4807



COVER SHEET



PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

GENERAL NOTES
(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
(ii) FIGURED DIMENSION TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
(iii) NOTIFY THE BUILDING DESIGN OFFICE IMMEDIATELY OF ANY DISCREPANCIES.
(iv) ALL WORK TO COMPLY WITH CURRENT AND RELEVANT AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA AND LOCAL AUTHORITY REQUIREMENTS.
(v) THESE DESIGNS AND DRAWINGS ARE COPYRIGHT AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE EXPRESS PERMISSION OF THE BURDEKIN BUILDING DESIGN PTY LTD.

B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



burdekin BUILDING DESIGN
A/BN 11 686 746 112 Q/BSA Lic. No. 07910
building design
drafting service
project development
planning service
Ayr: 141 Mackenzie St. Brisbane: 10 Cleavue St.
Ayr Qld 4807 Geelong Q 4034
E: burdndrf@bpg.com.au M: 0411425592

DESIGN R.S. DESIGN VERIFICATION
DRAWING R.S. DRAFTING CHECK
AUTHORISATION FOR ISSUE

CLIENT
THE SHED NQ HEALTH & FITNESS
PROJECT
NEW GYM

LOCATION
**5 Little Drysdale St
Ayr QLD 4807**

DRAWING
MASTER COVER SHEET

SCALE: AT A3 SIZE CAD ISSUE
CLIENT REFERENCE NO. ISSUE SHEET NO.
BBD2100021 F B000

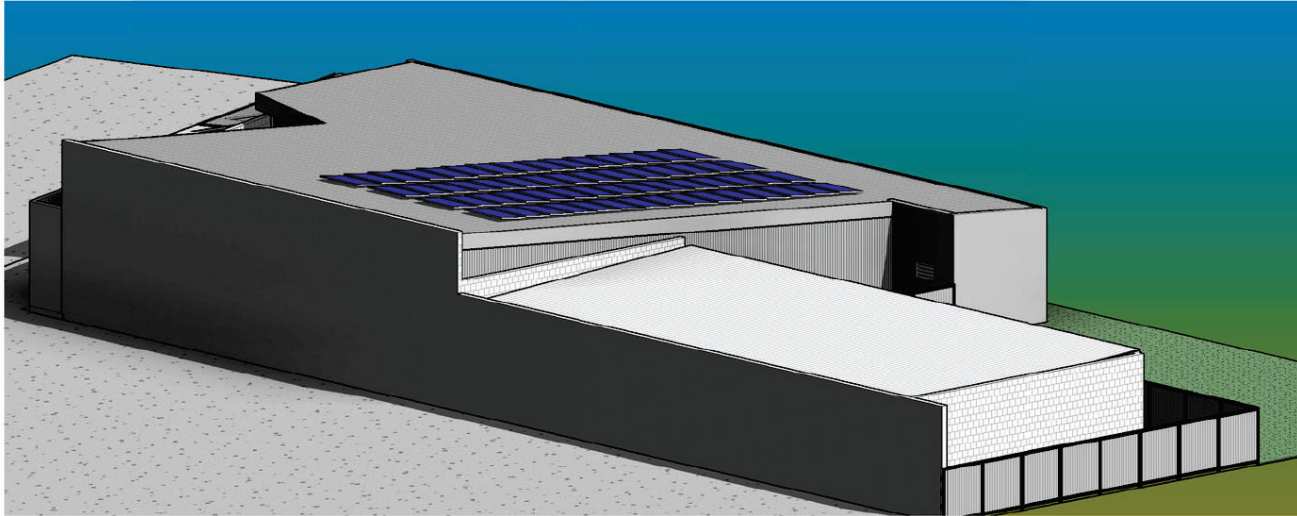


IMAGE 3

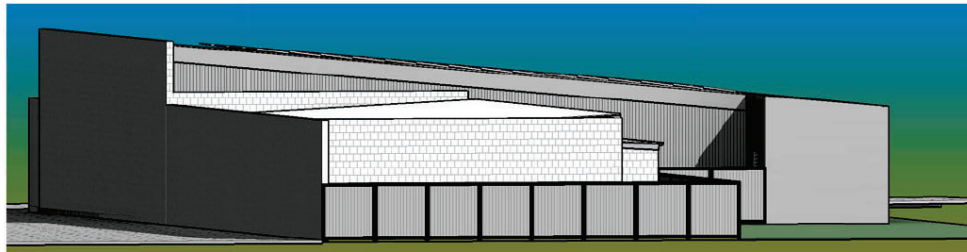


IMAGE 4

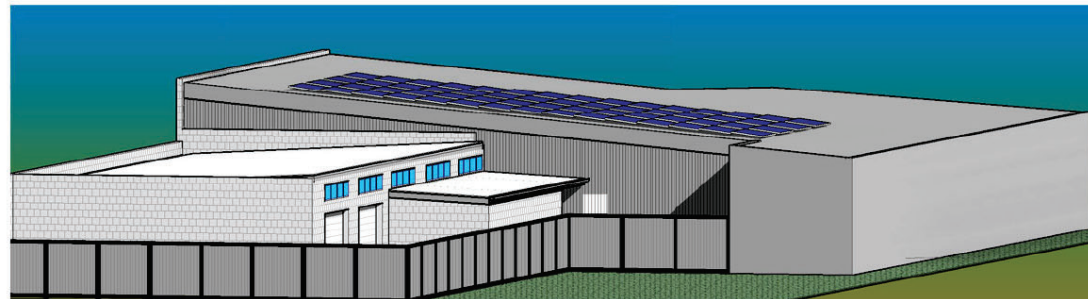


IMAGE 5



GENERAL NOTES
 (i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
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B Building Cert. Issue 05/23
 A Schematic Design 03/23
 NO. AMENDMENT DATE



burdekin BUILDING DESIGN
 AUST 11 686 746 112 QSLA Lic. No. 07910
building design
 drafting service
 project development
 planning service
 Ayr: 141 Mackenzie St. Brisbane: 10 Cleavue St.
 Ayr Qld 4807 Geelong Q 4034
 E: burdndrf@tpg.com.au M: 0411425592

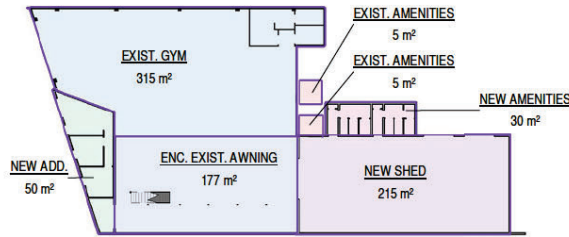
DESIGN R.S. DESIGN VERIFICATION
 DRAWN BY R.S. DRAFTING CHECK:
 AUTHORISATION FOR ISSUE

CLIENT
THE SHED NQ HEALTH & FITNESS
 PROJECT
NEW GYM
 LOCATION
5 Little Drysdale St Ayr QLD 4807

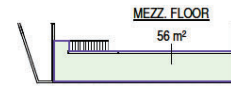
DRAWING
MASTER - ILLUSTRATIONS

PRELIMINARY
 NOT FOR CONSTRUCTION PURPOSES

SCALE: AT A3 SIZE CAD ISSUE
 CLIENT REFERENCE NO. BBD2100021 ISSUE F SHEET NO. B002



MASTER - GND FLOOR AREA
1 : 500



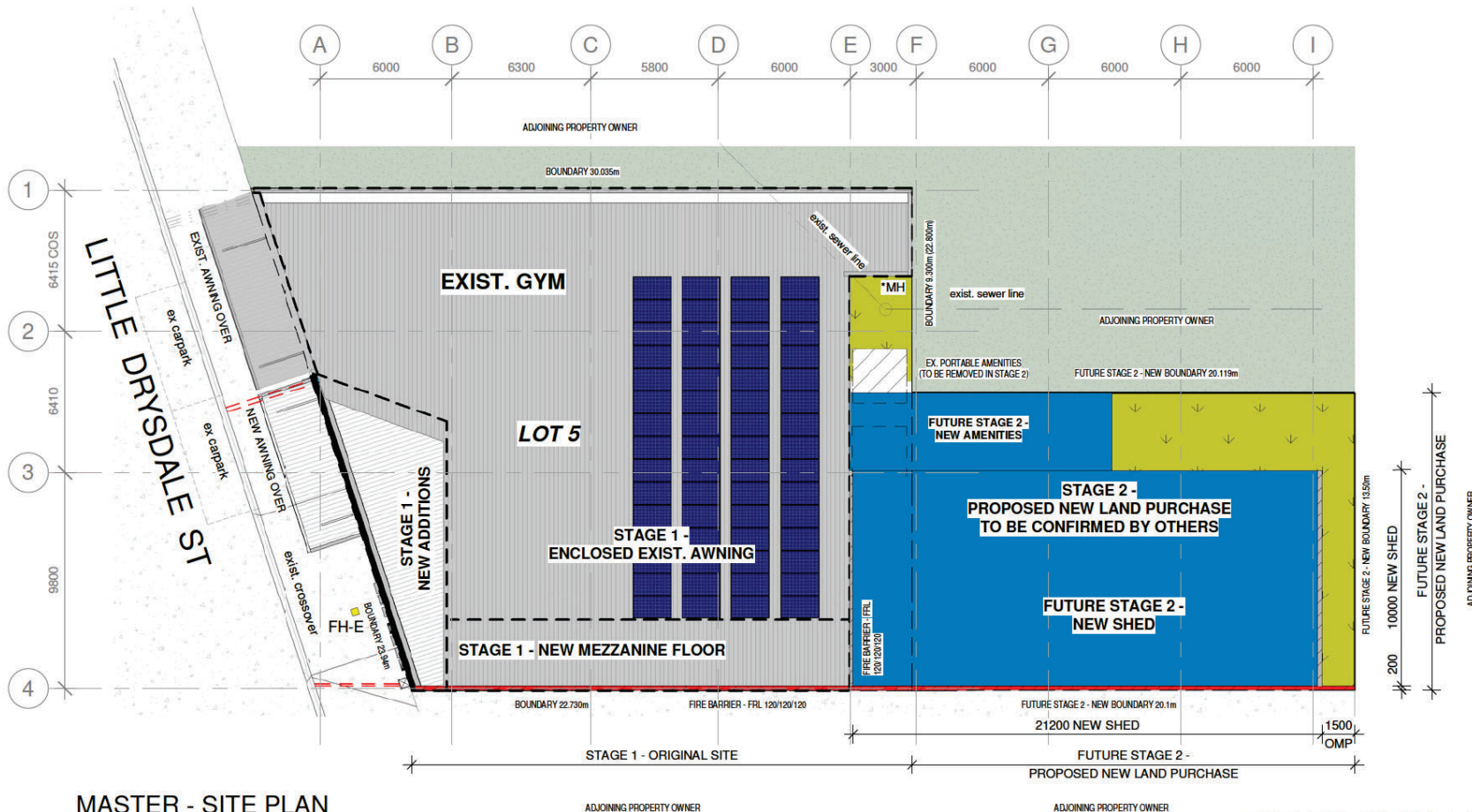
MASTER - MEZZ. FLOOR AREA
1 : 500



GENERAL NOTES
(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
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(iii) NOTIFY THE BUILDING DESIGN OFFICE IMMEDIATELY OF ANY DISCREPANCIES.
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(v) THESE DESIGNS AND DRAWINGS ARE COPYRIGHT AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE EXPRESS PERMISSION OF THE BURDEKIN BUILDING DESIGN PTY LTD.

PROPERTY DESCRIPTION:
Lot 5 on RP 882395
Parish: Antill
County: Gladstone
Exist. Site Area: 601.45m²
New Site Area: 271.58m²
TOTAL AREA: 873.03m²

BUILDING CLASSIFICATION:
Class 9b
SITE COVERAGE AREAS:
Master GFA: 797.0m²
Site Coverage: 91.29%



MASTER - SITE PLAN
1 : 200

B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE

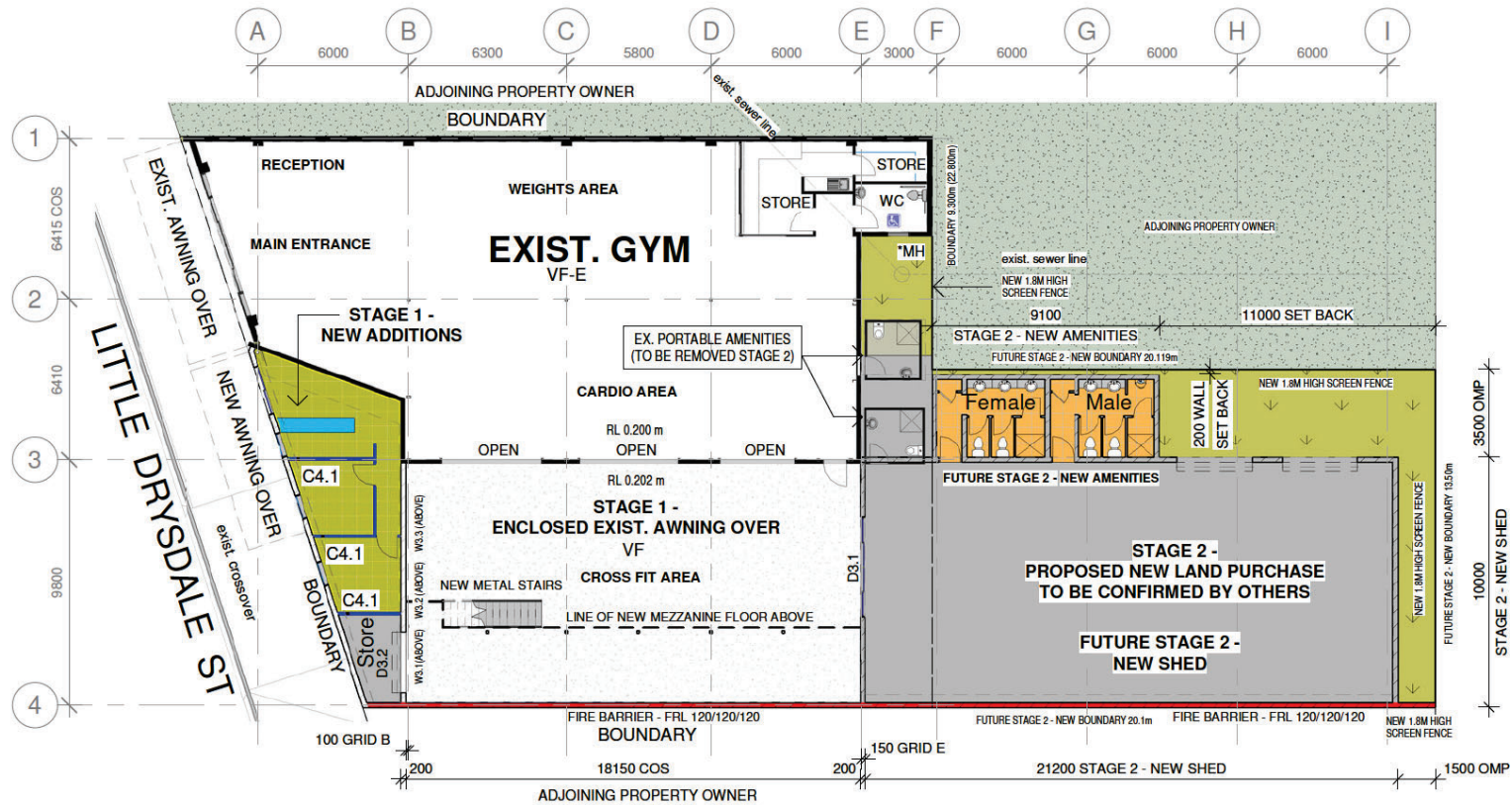
burdekin BUILDING DESIGN
building design
drafting service
project development
planning service
Ayr 11 686 746 112
Brisbane 11 686 746 112
Ayr 141 Mackenzie St.
Ayr Old 4807
E: burddal@bpd.com.au
M: 0411425592

DESIGN R.S.
DESIGN VERIFICATION R.S.
DRAWN BY R.S.
DRAFTING CHECK R.S.
AUTHORISATION FOR ISSUE

CLIENT
**THE SHED NO
HEALTH & FITNESS**
PROJECT
NEW GYM
LOCATION
**5 Little Drysdale St
Ayr QLD 4807**
DRAWING
MASTER - SITE PLAN

PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

SCALE: As indicated
CLIENT REFERENCE NO. BBD2100021
AT A3 SIZE
ISSUE F
CADD ISSUE BA04
SHEET NO. B101



GENERAL NOTES
(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
(ii) FIGURED DIMENSION TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
(iii) NOTIFY THE BUILDING DESIGN OFFICE IMMEDIATELY OF ANY DISCREPANCIES.
(iv) ALL WORK TO COMPLY WITH CURRENT AND RELEVANT AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA AND LOCAL AUTHORITY REQUIREMENTS.
(v) THESE DESIGNS AND DRAWINGS ARE COPYRIGHT AND MAY NOT BE REPRODUCED IN WHOLE OR PART WITHOUT THE EXPRESS PERMISSION OF THE BURDEKIN BUILDING DESIGN PTY LTD.

B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



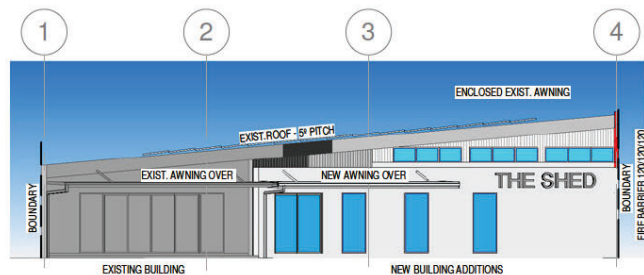
burdekin BUILDING DESIGN
A/N 11 686 746 112 QSLA Lic. No. 01910
building design
drafting service
project development
planning service
Ayr: 141 Mackenzie St. Brisbane: 10 Cleavie St.
Ayr Qld 4807 Geelong Q 4034
E: burdndat@btpg.com.au M: 0411425592

DESIGN R.S.
DRAWING R.S.
DESIGN VERIFICATION
DRAFTING CHECK:
AUTHORISATION FOR ISSUE

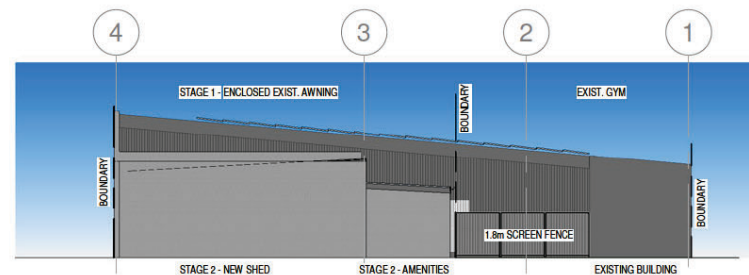
CLIENT
**THE SHED HQ
HEALTH & FITNESS**
PROJECT
NEW GYM
LOCATION
**5 Little Drysdale St
Ayr QLD 4807**
DRAWING
MASTER - FLOOR PLAN

SCALE: 1 : 200 AT A3 SIZE CAD ISSUE
CLIENT REFERENCE NO. BBD2100021 ISSUE SHEET NO. F B211

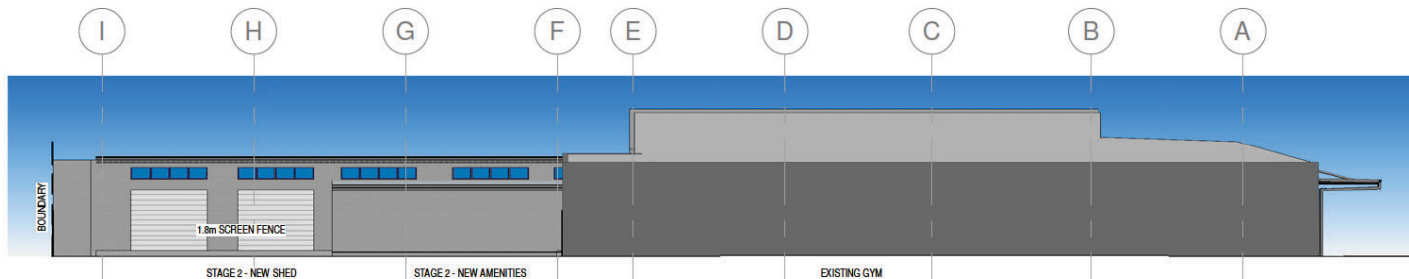
PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES



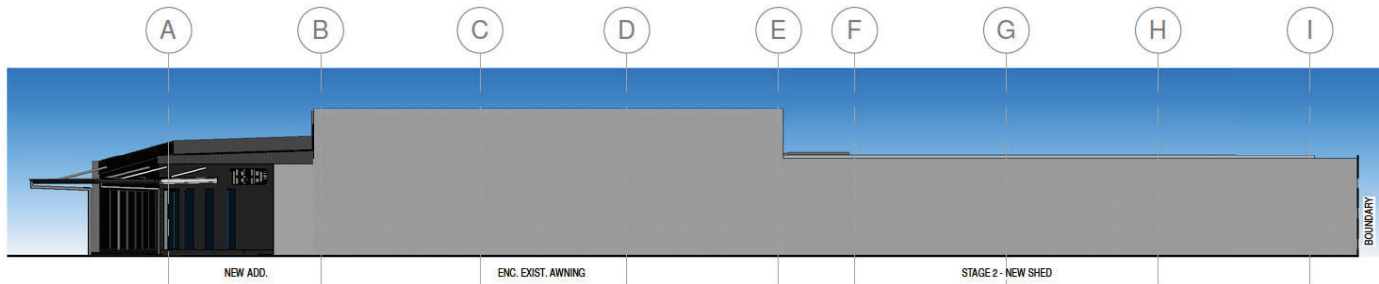
MASTER - NE ELEVATION
1 : 200



MASTER - SW ELEVATION
1 : 200



MASTER - SE ELEVATION
1 : 200



MASTER - NW ELEVATION
1 : 200



PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

GENERAL NOTES
(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
(ii) FIGURED DIMENSION TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
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B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



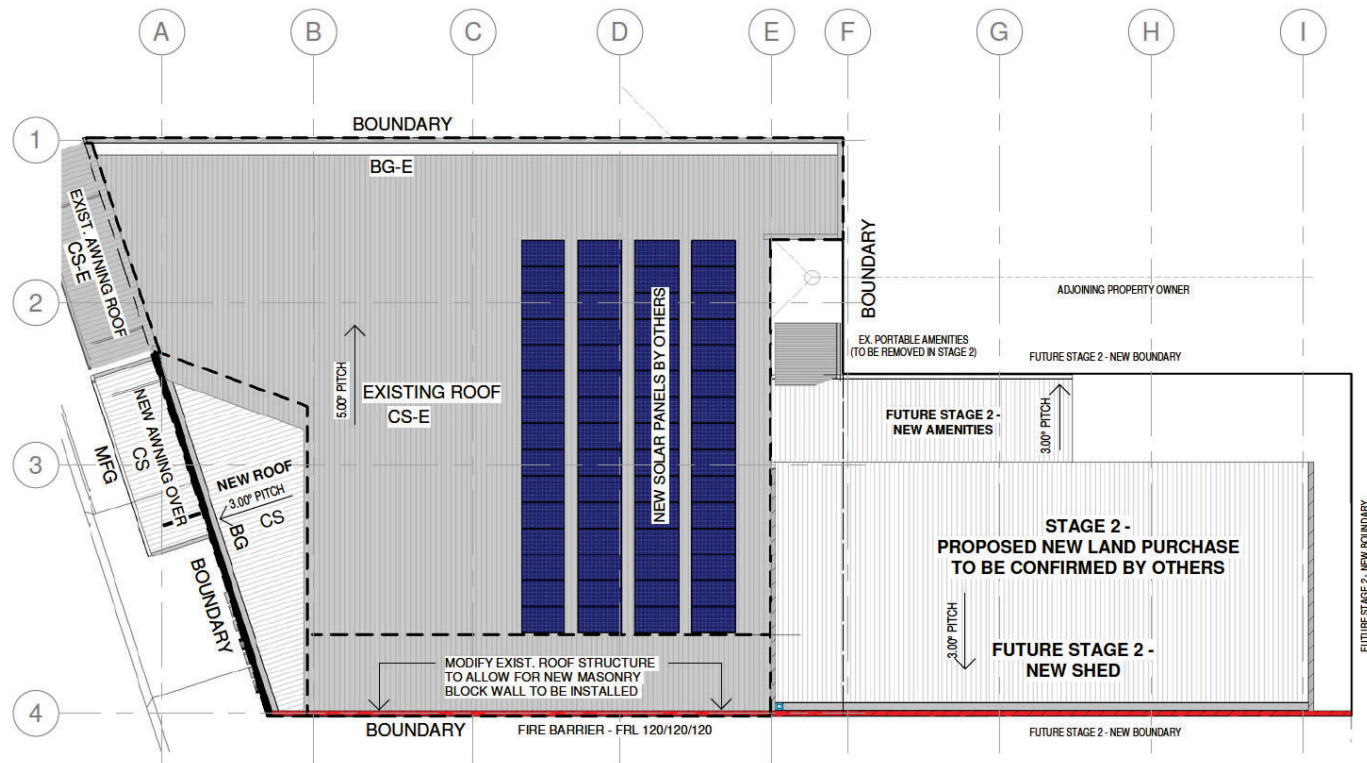
burdekin BUILDING DESIGN
A/N 11 686 746 112 QSLA Lic. No. 07910
building design
drafting service
project development
planning service
Ayr: 141 Mackenzie St.
Ayr Qld 4807
E: burdraf@tbg.com.au
Brisbane: 10 Cleavue St.
Geebung Q 4034
M: 0411425592

DESIGN R.S.
DRAWING R.S.
DESIGN VERIFICATION
DRAFTING CHECK

AUTHORISATION FOR ISSUE
CLIENT
THE SHED NQ
HEALTH & FITNESS
PROJECT
NEW GYM
LOCATION
5 Little Drysdale St
Ayr QLD 4807

DRAWING
MASTER - ELEVATIONS

SCALE: 1 : 200 AT A3 SIZE CAD ISSUE
CLIENT REFERENCE NO. BBD2100021 ISSUE F SHEET NO. B221



MASTER - ROOF PLAN
1 : 200

GENERAL NOTES
(i) VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS.
(ii) FIGURED DIMENSION TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
(iii) NOTIFY THE BUILDING DESIGN OFFICE IMMEDIATELY OF ANY DISCREPANCIES.
(iv) ALL WORK TO COMPLY WITH CURRENT AND RELEVANT AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA AND LOCAL AUTHORITY REQUIREMENTS.
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B Building Cert. Issue 05/23
A Schematic Design 03/23
NO. AMENDMENT DATE



burdekin BUILDING DESIGN
A/N 11 686 746 112 QSLA Lic. No. 07910
building design
drafting service
project development
planning service
Ayr: 141 Mackenzie St. Brisbane: 10 Cleavue St.
Ayr Qld 4807 Geelong Q 4034
E: burddraft@bpg.com.au M: 0411425592

DESIGN R.S. DESIGN VERIFICATION
DRAWN BY R.S. DRAFTING CHECK:
AUTHORISATION FOR ISSUE

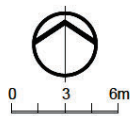
CLIENT
**THE SHED HQ
HEALTH & FITNESS**
PROJECT
NEW GYM
LOCATION
**5 Little Drysdale St
Ayr QLD 4807**
DRAWING
MASTER - ROOF PLAN

SCALE: 1 : 200 AT A3 SIZE CAD ISSUE
CLIENT REFERENCE NO. BBD2100021 ISSUE SHEET NO. F B231

PRELIMINARY
NOT FOR CONSTRUCTION PURPOSES

PROPOSED
RECONFIGURATION

Lots 6 & 7
Cancelling Lot 5 on RP882395
& Lot 32 on A26516
Locality of Ayr
Shire of Burdekin



APPROVED

REF: MCU23/0013 DATE: 23/07/2024

J. Gallitto

Date: 8th May, 2023	
Scale: 1:300 @ A3	A3
Drawn: PLT	
Job No: 56940-001-01	
Plan No: 56940/001	A

brazier mott

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.

braziermotti.com.au

SURVEYING
TOWNPLANNING
PROJECT MANAGEMENT
MAPPING & GIS





SARA reference: 2308-36099 SRA
Council reference: MCU23/0013
Applicant reference: 56940-001-01

4 September 2023

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

Attention: Town Planning Section

Dear Sir/Madam

SARA referral agency response— 177 Macmillan Street, Ayr; 5 Little Drysdale Street, Ayr

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 10 August 2023.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	4 September 2023
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Reconfiguring a lot (2 into 2 lots) and Material Change of Use – Indoor Sport and Recreation (Extension of Existing Gym)(Over Two Stages)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Development application for a material change of use within 100m of a state-	

controlled road intersection

SARA reference: 2308-36099 SRA

Assessment manager: Burdekin Shire Council

Street address: 177 Macmillan Street, Ayr; 5 Little Drysdale Street, Ayr

Real property description: 32A26516; 5RP882395

Applicant name: Tonion Investments Pty Ltd c/- Brazier Motti Pty Ltd

Applicant contact details: PO Box 1185
Cairns QLD 4870
Michael.Tessaro@braziermotti.com.au

Human Rights Act 2019 considerations: Consideration of the 23 fundamental human rights protected under the Human Rights Act 2019 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

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

Copies of the relevant provisions are in **Attachment 3**.

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

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

Yours sincerely



Duncan Livingstone
A/Manager (Planning)

cc Tonion Investments Pty Ltd c/- Brazier Motti Pty Ltd, Michael.Tessaro@braziermotti.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

The proposed development is considered to achieve the relevant assessment benchmarks of State code 1 of SDAP. Specifically the development

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

Material used in the assessment of the application:

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

Attachment 3— Representations about a referral agency response provisions

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INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT:	Tonion Investments Pty Ltd
APPLICATION:	Reconfiguring a Lot (Boundary Realignment) and Material Change of Use for Indoor Sport and Recreation (Extension of Existing Gym over two (2) stages)
Notice Number:	ICN2024-007
DATE:	30 July 2024
FILE REFERENCE:	MCU23/0013
AMOUNT OF THE LEVIED CHARGE: (Details of how these charges were calculated are shown overleaf)	\$18,525.00 Total
	\$5,130.00 Water Supply Network
	\$5,130.00 Sewerage Network
	\$5,415.00 Transport Network
	\$0.00 Public Parks and Community Land Network
	\$2,850.00 Stormwater Network
AUTOMATIC INCREASE OF LEVIED CHARGE:	The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.
LAND TO WHICH CHARGE APPLIES:	Lot 5 on RP882395 and Lot 32 on A26516
SITE ADDRESS:	5 Little Drysdale Street and 177 Macmillan Street, Ayr
PAYABLE TO:	Burdekin Shire Council
WHEN PAYABLE: (In accordance with the timing stated in Section 122 of the Planning Act 2016)	Material Change of Use – When the use of Stage 2 development commences.
OFFSETS OR REFUNDS:	Not Applicable.

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

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$14,166.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$9,036.00

Sewer Supply

Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$14,166.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per m ² GFA	\$18.00	CR Table 2.2	\$9,036.00

Transport

Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per m ² GFA	\$19.00	CR Table 2.2	\$14,953.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per m ² GFA	\$19.00	CR Table 2.2	\$9,538.00

Public Parks and Land for Community Facilities

Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per m ² GFA	\$0.00	CR Table 2.2	\$0.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per m ² GFA	\$0.00	CR Table 2.2	\$0.00

Stormwater
Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
Indoor Sport and Recreation	787m ²	\$ per impervious m ²	\$10.00	CR Table 2.2	\$7,870.00

Discounts*

Description	GFA	Units of Measure	Discount Rate	Reference	Amount
Existing Indoor Sport and Recreation	502m ²	\$ per impervious m ²	\$10.00	CR Table 2.2	\$5,020.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
Indoor Sport and Recreation	\$14,166.00	\$14,166.00	\$14,953.00	\$0.00	\$7,870.00	\$51,155.00
Less Credits	\$9,036.00	\$9,036.00	\$9,538.00	0.00	\$5,020.00	\$32,630.00
Total	\$5,130.00	\$5,130.00	\$5,415.00	\$0.00	\$2,850.00	\$18,525.00

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

Yours faithfully,



Kellie Galletta

MANAGER PLANNING AND DEVELOPMENT

INFORMATION NOTICE

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

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

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

Payment

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

Overseas Payees

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

Method of Payment**PAYMENT BY MAIL**

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

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

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT AT COUNCIL OFFICES

Confirm the current Infrastructure Charge applicable.

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

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT MADE BY CREDIT CARD

Credit Cards accepted: Mastercard or Visa

Enquiries

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

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

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

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

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

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

7.3.2. PLANNING AND DEVELOPMENT

Enforcement under Local Law No. 3 (Community and Environmental Management) 2012 – Part 6A Designated Area for Building Appearance Provision

File Reference: 241

Report Author: Kellie Galletta, Manager Planning and Development

Authoriser: James Stewart, Director Infrastructure Planning and Environmental Services

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

- Deliver regulatory and advisory programs.

Burdekin Shire Council Operational Plan 2025-2026

EPH3 Undertake regulatory responsibilities under State legislation:

Food Act 2006, Public Health (Infection Control for Personal Appearances Services) Act 2003, Public Health Act 2005, and Council's Local Laws.

Executive Summary

This report recommends that Council initiate enforcement action under Part 6A of Local Law No. 3 (Community and Environmental Management) 2012 (Local Law No. 3), to address the appearance of specific buildings within designated areas. Following complaints received about the appearance of three (3) buildings in Home Hill, Council has assessed the sites and obtained advice confirming its authority to proceed with enforcement.

Recommendation

That Council:

1. Continues enforcement action under Part 6A of Local law No. 3 (Community and Environmental Management) 2012 by issuing a compliance notice (including the written notice) in accordance with Local Law No. 1 (Administration) 2012 requiring each owner of the properties identified in the table below to carry out remediation works to rectify non-compliance with the Local Law.

	Address	Lot & Plan
1	37 First Street, Home Hill	Lot 89 on CP846895
2	158 & 160 Eighth Avenue, Home Hill	Lot 27 and Lot 28 on H6165
3	59-61 Eighth Avenue, Home Hill	Lot 1 on RP727033
	63 Eighth Avenue, Home Hill	Lot 2 on RP727033

2. Delegates authority to authorised Officers to enter the property to carry out the work the subject of the compliance notice/remedial notice, if necessary.
3. Recover properly and reasonably incurred costs for completing the work as a debt payable by giving notice to the person who failed to act under the compliance notice, of the debt, if required.
4. Delegates authority under s257 of the *Local Government Act 2009* to the Chief Executive Officer to undertake any and all matters associated with enforcement action under Part 6A of Local law No. 3 (Community and Environmental Management) 2012.

Background

November/December 2024

- Complaints regarding three (3) building appearances located in the designated area in Home Hill received:
 - Former United service station (southern end) located at 37 First Street, Home Hill
 - Former Barton's service station - old workshop/petrol station to the front located at 158 and 160 Eighth Avenue, Home Hill; and
 - Former shop, located 59 – 61, 63 Eighth Avenue, Home Hill.

January 2025

- Part 6A of Local Law No. 3 applies to buildings within designated areas, empowering Council to address visual amenity issues that negatively impact the community. Council has sought independent advice that confirms Council is able to pursue enforcement actions under the Local Law and independent of the *Building Act 1975* (Building Act), which typically addresses structural and safety concerns.

March 2025

- 4 March - Workshopped with Councillors
- 11 March - Resolved at Council meeting to commence enforcement action

June 2025

- 10 June - Show Cause Notices issued with response due 4 July 2025
- 17 June - Response from owner of 37 First Street, Home Hill advising that they have arranged for 'urgent' repairs and improvements to be carried out inc. removal of graffiti; slashing of long grass; removal of external signage; repainting of entire building; removal of rubbish. No timeframe given.

July 2025

- 3 July - Manager Planning and Development (MPD) responded to owner of 37 First Street, Home Hill asking for a full schedule of works including timeframes to be provided to Council
- 3 July - Email response received from owner of 59-61 Eighth Avenue, Home Hill, advising of plans to repair the shop in two parts – external and internal – with works to commence mid to late 2026.
- 4 July - All responses due.
- 7 July - No further response received from owner of 37 First Street, Home Hill.
- 7 July - No response at all owner of 158-160 Eighth Avenue, Home Hill.
- 8 July - MPD undertook a site inspection of all three properties again.
- 8 July - MPD phoned all three property owners – initially unable to contact owners of 37 First Street, Home Hill and 158-160 Eighth Avenue, Home Hill.
- 8 July - Owner of 59-61 Eighth Avenue, Home Hill asked for an extension of time to Mid 2026 to commence works.
- 9 July - Owner of 158 and 160 Eighth Avenue, Home Hill phoned MPD advising that internal repairs had been completed and that external repairs and works were to be undertaken.
- 9 July - MPD issued letters to the owner of 59-61 Eighth Avenue, Home Hill and 158 and 160 Eighth Avenue, Home Hill advising Council requires a written response, providing a full schedule of works and repairs proposed to be undertaken on the building appearance including specific timeframes for the works to commence and finish, prepared by a suitably qualified contractor engaged by them to complete these works, is to be provided within twenty business days.

Consultation

This matter was workshopped with Councillors on 4 March and 15 July 2025.

Budget & Resource Implications

Legal and consulting fees associated with any further enforcement that may be undertaken by Council.

Legal Authority & Implications

The Local Law imposes a duty on property owners within designated areas to maintain the external appearance of their buildings so they do not detract from the appearance of other buildings in the designated area.

Local Law No. 3 only applies to certain areas in parts of Ayr, Home Hill, Brandon and Giru. These areas are identified in Schedule 6A of Subordinate Local Law No. 3 (Community and Environmental Management) 2012 (Subordinate Local Law No. 3). The properties listed in this report are within the area regulated by Local Law No. 3.

Council's enforcement powers include issuing a Show Cause Notice as the initial step, followed by a Compliance Notice if the issues are not rectified.

If further action is required, Council can pursue remediation through a voluntary Enforcement Agreement with the property owner or consider formal enforcement action.

Enforcement action may, in certain circumstances, involve authorised Officers entering the property to carry out the work the subject of the compliance notice. Council may recover properly and reasonably incurred costs for completing the work as a debt payable.

The significance of a compliance notice is that failure to comply with the notice constitutes a separate offence which can be prosecuted in the Magistrates Court (attracting a maximum penalty of 50 penalty units, being approximately \$8,000.00).

Policy Implications

Not Applicable.

Risk Implications (Strategic, Operational, Project Risks)

Council has not previously undertaken enforcement action under Part 6A of Local Law No. 3.

While this is a new application of the Local Law, the recommended actions are clear and well-supported by independent advice. The initial step of issuing Show Cause Notices provides property owners with an opportunity to address concerns before further enforcement measures are considered. Council's support for this course of action will set an important precedent for future cases and ensure consistent application of the Local Law.

Risk has been managed by obtaining legal advice and seeking Council's support to undertake action.

Attachments

1. Legal Advice - Local Law No. 3 28.01.2025-F1614109

Our Ref: TCB:LJE:250011

28 January 2025

Kellie Galletta
Manager Planning & Development
Burdekin Shire Council
By Email: Kellie.Galletta@burdekin.qld.gov.au

Legal Professional Privilege

Legal Advice – Local Law No. 3 (Community and Environmental Management) 2012

1. INTRODUCTION

- 1.1 We have been instructed to advise Burdekin Shire Council (**Council**) about its powers under Part 6A of *Local Law No. 3 (Community and Environmental Management) 2012* (**Local Law**) to manage the appearance of buildings in Council's local government area.

2. EXECUTIVE SUMMARY¹

- 2.1 The Local Law empowers Council to deal with unsightly or dilapidated buildings in parts of the suburbs of Ayr, Home Hill, Brandon, and Giru, which are declared designated areas.
- 2.2 It imposes a duty on an owner of a building in a designated area to maintain the building so its appearance does not detract from the appearance of other buildings in the designated area. The Local Law outlines the circumstances when a building will detract from the appearance of other buildings in a designated area. Therefore, it will not matter whether all buildings within the same designated area are already dilapidated or unsightly. The Local Law will still apply.
- 2.3 Council can take enforcement action to rectify unsightly or dilapidated buildings through a show cause notice, a compliance notice and/or an enforcement agreement. In the vast majority of cases Council will commence this process by first issuing a show cause notice.
- 2.4 Council's powers to act under the Local Law is in addition to powers it has under the Building Act. Both instruments can be utilised to address the dilapidated condition of a building. The key difference is that the Building Act covers structural issues of a building that may be dilapidated or dangerous, and which may not be apparent by the appearance of the building (or the condition of the building is more than merely unsightly).
- 2.5 The processes available under the Building Act may be warranted in cases of more serious offending, or where a particular remedy is sought (such as obtaining a development permit), or where there is structural damage to a building that is not visible by the appearance of the building.

¹ Abbreviated terms in this Executive Summary are defined in other sections of this advice.

3. THE LOCAL LAW

- 3.1 The Local Law concerns, among other things, overgrown and unsightly allotments, and building appearance which is the focus of this advice.

Owner's Duty and Designated Areas

- 3.2 Part 6A of the Local Law requires the owner of a building in a designated area to maintain the building so its appearance does not detract from the appearance of other buildings in the designated area (**Owner's Duty**).²
- 3.3 The Local Law defines 'owner' of a building or structure by reference to the *Building Act 1975* (Qld) (**Building Act**), which is defined variably across different circumstances,³ but will generally be the registered proprietor of the lot or otherwise the person entitled to receive rent for the building or structure.⁴
- 3.4 This part of the Local Law only applies to a "*designated area*". Council's *Subordinate Local Law No. 3 (Community and Environmental Management) 2012* (**Subordinate Local Law**) may declare designated areas⁵ and does so via maps contained in schedule 6A. If a particular building is not within a designated area, the Owner's Duty does not apply.
- 3.5 Importantly, Part 6A of the Local Law does not apply to the whole of Council's local government area. The Council has only declared part of the suburbs of Ayr, Home Hill, Brandon, and Giru as 'designated areas'. In this regard, the *Local Government Act 2009* (Qld) (**LGA**) prescribes the processes to be followed should Council seek to amend the Subordinate Local Law to declare new designated areas,⁶ which Council may wish to consider in respect of the entire local government area.

Building Appearance

- 3.6 The Local Law provides that a building will detract from the appearance of other buildings in a designated area if:
- (a) the building:⁷
 - (i) is in a dirty condition;
 - (ii) is in a state of disrepair;
 - (iii) is in need of repainting;
 - (iv) otherwise has a dilapidated appearance;

² Local Law s.21B(1).

³ For example, whether the building or structure is on scheme land for the *Body Corporate and Community Management Act 1997* (Qld), or subject to the *Building Units and Group Titles Act 1980* (Qld).

⁴ Building Act, Sch 2 def 'owner'.

⁵ Local Law s.21A(1)-(2).

⁶ This process is generally set out in Chapter 3, Part 1 of the LGA.

⁷ Local Law s.21B(2)(a)(i)-(iv).

(b) in the opinion of an 'authorising person',⁸ the appearance of the building has caused, or is likely to cause:⁹

(i) personal injury or property damage; or

(ii) a negative impact on the amenity of other buildings in the designated area.

3.7 The Local Law provides the following example of where a building will detract from the appearance of other buildings relevant to (b)(i) and (ii) above:¹⁰

"A building the appearance of which is negatively impacted by broken glass windows or the building being in a state of disrepair which includes building materials spilling onto, or in close proximity to, any footpath or pedestrian access way which abuts the land on which the building is situated."

3.8 It will not matter whether all buildings within the same designated area are already dilapidated or unsightly. The Local Law prescribes that an individual building will detract from the appearance of other buildings in the designated area if it meets one of the circumstances outlined above at paragraph 3.6 (regardless of whether or not those other buildings themselves are also dilapidated or unsightly).

4. ENFORCEMENT OPTIONS

4.1 Where an Owner's Duty has been breached, Council has three primary enforcement options available:¹¹

(a) issue a show cause notice to the owner of the building;

(b) issue a compliance notice to the owner of the building;

(c) enter into a voluntary enforcement agreement with the owner of the building.

Show cause notice

4.2 Where an authorised person¹² believes an owner of a building or structure has breached the Owner's Duty, they may issue a show cause notice requiring the owner to show cause why a compliance notice should not be issued.¹³

⁸ We assume the Local Law intended this phrase to read 'authorised person' as referenced elsewhere and as defined in the Local Law.

⁹ Local Law s.21B(b)(i)-(ii).

¹⁰ Local Law s.21B(2)(b).

¹¹ Local Law ss.21C(1), 21C(4)(a) & 21D.

¹² An authorised person is a person who holds office under section 202 of the *Local Government Act 2009* (Qld) (**LGA**). This reference comes about by section 4 of the Local Law, which requires that it is to be read with *Local Law No. 1 (Administration) 2012* (**Local Law 1**). Local Law 1 defines 'authorised person' by reference to the LGA Schedule 4, which in turn defines an authorised person in the way described above.

¹³ Local Law s.21C(1).

- 4.3 The basis for issuing a show cause notice will be the opinion held by the authorised person, having regard to the condition of the subject building, but must outline the proposed action, grounds, supporting facts and allow the owner at least 14 days to provide written submissions in response.¹⁴
- 4.4 This process is akin to the show cause notice process under the *Planning Act 2016* (Qld) and affords an owner the opportunity to rectify a building's appearance before taking further action compelling the owner to remedy the situation.

Compliance notice

- 4.5 A compliance notice requires its recipient to carry out remediation works to rectify non-compliance with the Local Law.¹⁵ A compliance notice under Part 6A of the Local Law cannot be issued unless Council has first issued a show cause notice for the breach of the Owner's Duty. Before issuing a compliance notice, the authorised person must give the owner written notice of their decision to issue a compliance notice.¹⁶ A compliance notice must include or be accompanied by an information notice.¹⁷
- 4.6 Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, the compliance notice will constitute a 'remedial notice' for the purposes of the *Local Government Act 2009* (Qld).¹⁸ Authorised officers may, in certain circumstances, enter the property to carry out the work the subject of the compliance notice/remedial notice.¹⁹ Council may recover properly and reasonably incurred costs for completing the work as a debt payable²⁰ and must give notice to the person who failed to act under the compliance notice of the debt.²¹
- 4.7 The significance of a compliance notice is that failure to comply with the notice constitutes a separate offence which can be prosecuted in the Magistrates Court (attracting a maximum penalty of 50 penalty units, being approximately \$8,000).²²

Enforcement agreement

- 4.8 Separate to the show cause notice / compliance notice process, Council and an owner may voluntarily enter into a written agreement to remedy a breach of an Owner's Duty.
- 4.9 This option will have utility where an owner engages with Council (such as in response to a show cause notice) to rectify a building's appearance but may require further time to carry out remediation works, or where there may need to be other mechanisms secured by an agreement to ensure that the breach will be rectified.

¹⁴ Local Law s.21C(2).

¹⁵ *Local Law No. 1 (Administration) 2012* (**Local Law 1**) s.26(3), (4).

¹⁶ Local Law s.21C(5).

¹⁷ Local Law 1 s.26(7).

¹⁸ Local Law footnote 11. Note: the Local Law's reference is outdated. However, it is saved by operation of section 14H(a) of the *Acts Interpretation Act 1954* (Qld) and is to be taken as a reference to current section 138AA of the *Local Government Act*.

¹⁹ LGA, s.142.

²⁰ LGA, s.142(4).

²¹ LGA, s.142(6).

²² Local Law 1 s.26(8), (4); *Justices Act 1886* (Qld) Part 4 General Procedure, in particular s.42.

- 4.10 The terms of the enforcement agreement will depend upon the circumstances of the case, but the Local Law contemplates an agreement may include:²³
- (a) that the Owner's Duty has been breached;
 - (b) that the owner will undertake remedial work, including particulars of the standard of work and the time in which the work will be completed;
 - (c) that an irrevocable undertaking or a bank or security deposit will be lodged with the Council in a specified amount to secure the remediation works;
 - (d) that the Council may recover costs for work that it undertakes;
 - (e) that Court action may be taken by Council if the agreement is breached.
- 4.11 Once an enforcement agreement has been executed it will bind the owner, and the Council can apply to the Magistrates Court for orders enforcing compliance with the agreement (if necessary).²⁴

Review and appeal rights arising from a compliance notice

- 4.12 There are no review or appeal rights in relation to a show cause notice under the Local Law.
- 4.13 However, the recipient of a compliance notice can apply to the Council for internal review of the decision to issue to the notice.²⁵ Such a review does not stay the original decision to issue the compliance notice, but the recipient may apply to the Magistrates Court to have that decision stayed.²⁶
- 4.14 It is a matter for Council which of the alternate enforcement options it undertakes in a particular scenario. If expedience is key or an agreement is unlikely to be made, the compliance notice pathway may be preferable. On the other hand, entering an agreement with an owner as opposed to further prosecution may potentially lead to increased compliance due to the specificity in relation to outcomes that can be obtained in drafting an agreement compared to a compliance notice. The decision of which enforcement course to undertake should be informed by the facts and circumstances of each case.
- 4.15 Council may wish to consider adopting as policy the inclusion of a clause within their show cause notices referring to the option to enter into an enforcement agreement, as well as the statutory right to make representations. We expect this course:
- (a) will permit Council to fully assess the recipients' representations if they choose to make them;

²³ Local Law s.21D(1).

²⁴ Local Law s.21D(2).

²⁵ Local Law 1 s.22(a), which is enlivened by the information notice that is required to also be issued with the compliance notice. The internal review is carried out by the Chief Executive Officer of the Council.

²⁶ Local Law s.24(1)-(2).

- (b) may facilitate a recipient's early engagement in entering an enforcement agreement; and
- (c) will not affect Council's power to issue a compliance notice in circumstances where an enforcement agreement is not entered into.

5. OVERGROWN AND UNSIGHTLY ALLOTMENTS

- 5.1 We briefly note separate powers under Part 3 of the Local Law. If an authorised person determines that overgrowth or an accumulation of objects/materials on a lot has seriously affected visual amenity or is likely to attract or harbour reptiles or vermin, they can issue a compliance notice to rectify these issues.²⁷ We expect there may be instances where a lot is affected by both unsightly building appearance and also overgrown vegetation and/or accumulation of objects/materials.

6. BUILDING ACT

- 6.1 The Building Act also provides remedial options for Council in respect of unsightly buildings, not limited to buildings within a designated area.
- 6.2 Council may give an enforcement notice if it reasonably believes a building, structure or building work, among other things, (1) is dangerous; (2) is in a dilapidated condition; (3) is unfit for use or occupation; or (4) is filthy, infected with disease or infested with vermin.²⁸
- 6.3 A Building Act enforcement notice may require the recipient to undertake a broad range of actions, including, amongst other things, to: (a) apply for a development permit; (b) to repair, rectify, or secure the building or structure; (c) to fence off the building or structure to protect persons; (d) to cleanse, purify and disinfect the building or structure; (e) to demolish or remove the building or structure.²⁹ A general precursor to issuing an enforcement notice is the issue of a show cause notice³⁰ except where the matters the enforcement notice would deal with are not dangerous or are otherwise minor in nature.³¹
- 6.4 There is some overlap between the remedial processes available under the Building Act and those offered by the Local Law. For example, they both may be applied to buildings that are in a dilapidated condition. However, a key difference is that the Local Law is focused on the dilapidated "*appearance*" of buildings and where that appearance is likely to cause personal injury or property damage (or otherwise negatively affect amenity). The Building Act covers structural issues of a building that may be dilapidated or dangerous, and which may not be apparent by the appearance of the building (or the condition of the building is more than merely unsightly).
- 6.5 Further, the Building Act is likely to be utilised for more serious instances of offending given that the penalty for failure to comply with an enforcement notice (4,500 penalty units or

²⁷ Local Law ss.13 and 14. We note there is no requirement to issue a show cause notice before issuing a compliance notice under Part 3 of the Local Law, as compared to the requirements for Part 6A

²⁸ Building Act s.248.

²⁹ Building Act s.249.

³⁰ This notice must comply with section 247 of the Building Act.

³¹ Building Act s.248(4).

around \$720,000)³² is significantly higher than the penalty for failure to comply with a compliance notice under the Local Law (50 penalty units or around \$8,000).

7. LOCAL LAW OR BUILDING ACT?

7.1 The Local Law enables Council to engage with offending owners to come to an enforcement agreement, or issue a compliance notice, or in appropriate cases to enter and undertake remedial work itself, with costs being recoverable. The processes available under the Building Act may be warranted in cases of more serious offending, where a particular remedy is sought (such as obtaining a development permit), or where there is structural damage to a building that is not visible by the appearance of the building.

7.2 If you have any questions in respect of this advice, please do not hesitate to contact us.

Yours faithfully

MacDonnells Law



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³² Building Act s.248(5) and relatedly the *Planning Act 2016* (Qld) s.168(5).

7.4.1. TECHNICAL SERVICES

Anzac Park Pump Track - Tender Recommendation

File Reference: 2646

Report Author: Tayla Heuir, Project Engineer

Authoriser: James Stewart, Director Infrastructure Planning and Environmental Services

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

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

Executive Summary

First conceptualised in the Anzac Park Masterplan in 2019, a pump track has been on the Burdekin communities' radar for quite some time. These bespoke tracks are favoured nationally for their inclusive designs, exciting jumps and ability to activate users in the outdoor environment.

With support from the Queensland State Government's 2024-2027 Works for Queensland (W4Q) Program, Council have tendered for the design and construction of a pump track to be implemented in Anzac Park, adjacent to the existing skate park.

Through the tendering process, bids were assessed by an evaluation panel and a recommendation for a suitably qualified consulting company has been developed for consideration by Council.

This report aims to inform Council of the evaluation panels process and provide a recommendation to award a consultant for the design and construction of the Anzac Park Pump Track.

Recommendation

That Council endorses the recommendation to award Common Ground Trails the contract for TBSC/25/002 Anzac Park Pump Track for the lump sum cost of \$778,850.00 ex GST.

Background

Pump Tracks are designed to allow riders to gain momentum and speed by pumping their bikes up and down over a series of rises and falls through the track. This style of recreational track has become a popular inclusion in parks over the country, bridging the gap between BMX tracks and bike trails.

In 2019, Burdekin Shire Council developed a masterplan of Anzac Park and the surrounding Sporting Precinct, which included plans for a pump track. Through community consultation and further development of the Masterplan, the pump track has continued to be a highly desired element by the Burdekin community.

It is envisaged that the inclusion of a pump track adjacent to the existing skate park will not only attract and entertain local youth and families, but also draw interest from travellers, creating a social skating hub for bike and scooter enthusiasts.

In November 2024, Council nominated the Anzac Park Pump Track project for the Queensland State Government's 2024-2027 Works for Queensland Program, and was successful, with a total allocation of \$810,000.00 ex GST for the design and construction of the project.

Council has recently undertaken tendering for a Principle Contractor to undertake the design and construction the Anzac Park Pump Track. The Contractor will be responsible for community consultation,

development of construction ready designs, and construction of the pump track including any park furniture, shading and amenities required under the design.

The tender was advertised on the open Marketplace on Vendor Panel on 4 June 2025. After a 21-day period, six (6) tenderers submitted a formal bid that was assessed by Council's project evaluation panel.

The evaluation panel completed an assessment of all six responses based on the evaluation criteria, which was provided in the tender documentation. The primary focus of the assessment was value for money, previous experience and demonstrated understanding of the scope and project. Assessment was also completed on the companies resourcing and local content.

Of the six (6) submissions, two (2) companies were shortlisted and contacted for further information to aid in the assessment of their responses.

The combined assessment scores from the three panel members were combined to show an average result and confirmed the preferred tenderer.

Consultation

Not Applicable.

Budget & Resource Implications

2024-2027 Works for Queensland (W4Q) has been allocated to the value of \$810,000.00 ex GST.

Legal Authority & Implications

Not Applicable.

Policy Implications

Burdekin Shire Council Procurement Policy

Risk Implications (Strategic, Operational, Project Risks)

Risk has been reduced through the 21-day tender period and thorough assessment of all responses by the evaluation panel.

Attachments

None

7.5.1. WATER AND WASTEWATER

Register of Pre-Qualified Suppliers - Electrical Trade Services

File Reference: 765, 766, 807

Report Author: Julian Tickle, Water and Wastewater

Authoriser: James Stewart, Director Infrastructure Planning and Environmental Services

Meeting Date: 22 July 2025

Link to Corporate/Operational Plan:

Burdekin Shire Council Corporate Plan 2025-2030

- Improve water and sewerage network reliability and efficiency through planned infrastructure renewals and upgrades
- Plan, build and maintain infrastructure that enhances and extends the life of community assets.

Executive Summary

This report to Council is in respect to tenders for TBSC/25/003 - Register of Pre-Qualified Suppliers - Electrical Trade Services closed 2 June 2025 at 2:00pm.

Three hundred and seventy-three sets of documents were requested from prospective tenderers through Vendor Panel - Marketplace.

Seven (7) tenders were received from companies at the nominated closing time. Five (5) were from local firms and two (2) from Townsville.

Recommendation

That Council accepts the tenders submitted by Burdekin Air Conditioning and Electrical, Laser Electrical, Boundary Electrical and Instrumentation, FTEC Electrical, Ayr Electrical Services, North Queensland Electrical and Instrumentation & Coral Coast Electrical for the purpose of establishing a Register of Pre-qualified Suppliers - Electrical Trade Services.

The register will be effective for a period of two (2) years from 12 July 2025 when the old Register of Prequalified Suppliers is extinguished.

Background

Council has significant electrical infrastructure throughout its assets and has maintained and upgraded it over the past three (3) years by utilising suppliers from an existing Register of Prequalified Suppliers to ensure consistency of equipment and service. A new Register of Prequalified Suppliers has now been called to allow for the inclusion of additional companies onto the Register of Prequalified Suppliers.

Operationally the infrastructure requires ongoing hardware maintenance and modification to cater for operational network changes and repairs. A number of companies offer this service, and it is considered a medium level risk to contract this service to a single reliance entity.

The establishment of a panel of prequalified electrical support services affords Council options to procure the most advantageous service provider in a timely manner. The panel also allows Council to assess the service provided over time by the suppliers and utilise the company offering the superior service.

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

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

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

Tenders were evaluated by three Council Officers, one (1) from the Project Management Office and two (2) from the Department of Water and Wastewater. The key selection criteria consisted of Experience, Key Personnel, Resources, Understanding, Local Content, Price, Compliance with W.H. & S. and response Time.

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

Consultation

Tenders for the above, closing on 2 June 2025 at 2:00pm were advertised on Council's webpage and on Vendor Panel (Marketplace) on 1 May 2025 and in the Burdekin Life on 8 May 2025.

Budget & Resource Implications

This financial year Council thus far has spent \$822,210.00 incl GST on electrical services for capital projects and maintenance throughout the organisation.

Legal Authority & Implications

Local Government Regulations 2012, Chapter 6 Contracting

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

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

Burdekin Shire Council Procurement Policy 2024/2025.

Policy Implications

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

The Policy's objectives states:

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

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

Principles states:

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

Value for money

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

- contribution to the advancement of Council's priorities; and
- fitness for purpose, quality, service and support; and
- whole-of-life costs including costs of acquiring, using, maintaining and disposal; and
- internal administration costs; and
- technical compliance issues; and
- risk exposure; and
- the value of any associated environmental benefits.

Open and effective competition

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

The development of competitive local business and industry

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

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

Exceptions

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

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

The exceptions are summarized as follows:

Section 232 - Register of pre-qualified suppliers.

Risk Implications (Strategic, Operational, Project Risks)

Council has significant infrastructure through the organisation. The upgrades and maintenance have been delivered by suppliers from an existing Register of Prequalified Suppliers to ensure consistency of equipment. Operationally the infrastructure requires maintenance and upgrades. A number of companies offer this service, and it is considered risk averted to utilise a number of companies to deliver these services.

Attachments

None