



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 27 May 2025

COMMENCING AT 9:00 AM

ORDER OF BUSINESS:

ATTENDANCE

Councillor Michael Detenon, Councillor John Furnell, Councillor Max Musumeci, Councillor Fina Vasta, Councillor Callan Oar, Councillor Amanda Hall

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. Eliza Lovell - Economic Development Coordinator (Part)
Mrs. Jenny Manganaro - Manager Financial and Administrative Services (Part)
Mrs. Belinda Tinus - Human Resources Coordinator (Part)
Mr. Marty Pearce - Senior Planning Officer (Part)

Minutes Clerk – Miss. K. Backman
Minutes Clerk – Ms. G. Biffanti

Mrs. Glenis Jones entered the meeting.

2. PRAYER

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

3. DECLARATIONS OF INTEREST

The Chair called for declarations of interest.

Councillor Oar advised that he has a Declarable Conflict of Interest in relation to Item 7.3.5 Development Application for a Development Permit for Material Change of Use – Extractive industry located at 194 Phillips Camp Road, Jarvisfield (Lot 144 and Lot 145 on GL12469) as he is a close friend to Mr. Ryan Jones of Jones Holding NQ who is the applicant seeking the Development Permit. Councillor Oar advised of his intention to leave the meeting prior to this discussion.

Councillor Detenon raised a potential Declarable Conflict of Interest in relation to Item 4.2 Economic Development Advisory Group Meeting Minutes, Item1. Boat Ramp in the Burdekin River. Councillor Detenon discussed with Councillors whether his position as part business owner of About Town Bait and Tackle, could impact his impartiality when discussing the proposed boat ramp works. Councillors agreed there was no conflict and that he could remain in the meeting during the discussion.

4. MINUTES AND BUSINESS ARISING

4.1. Ordinary Council Meeting Minutes - 13 May 2025

Recommendation

That the minutes of the Ordinary Council Meeting held on 13 May 2025 be received as a true and correct record.

Resolution

Moved Councillor Oar, seconded Councillor Vasta that the recommendation be adopted noting the following amendment to item 7.4.1 dot point 3 of the Recommendation be amended to: Truck 3 – Isuzu NPR45/55-155 for \$76,487.73 excluding GST.

CARRIED

4.2. Economic Development Advisory Group Meeting Minutes - 11 April 2025

Executive Summary

This report provides the minutes of the Economic Development Advisory Group Meeting held on 11 April 2025.

Recommendation

Item 1. Boat Ramp in the Burdekin River

That Council explore the feasibility of constructing a new recreational boat ramp in the Burdekin River, upriver from the Clare Weir. This potential boat ramp would provide year-round access to the river for recreational fishing, unaffected by tidal conditions. Additionally, it could create opportunities for tourism operators to offer activities such as fishing charters and crocodile viewing tours.

That:

1. the minutes of the Economic Development Advisory Group Meeting held on 11 April 2025 be noted and adopted; and
2. the recommendation as detailed in the minutes and summarised in Item 1. above be adopted.

Resolution

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

CARRIED

4.3. Audit and Risk Committee Meeting Minutes - 7 May 2025

Executive Summary

This report provides the Minutes of the Audit and Risk Committee Meeting held on 7 May 2025.

Recommendation

Item 3 Minutes from the previous Audit Committee Meeting

That the minutes from the previous meeting be formally adopted.

Item 4.1 Position Papers

That the Committee accepts the report and it will be used to assist in ascertaining the appropriate accounting treatment when the Ayr Industrial Estate project is brought to account in the Council's financial statements.

Item 4.2 Shell Financial Statements

That the 2025 Shell Financial Statements and Points of Note be endorsed by the Committee.

Item 4.3 Recommendations for Councils from Local Government 2024 (Report 13: 2024-25)

That the QAO Local Government 2024 Report 13: 2024-25 and recommendations be accepted by the Committee.

Item 5.1 Proposed annual infrastructure valuation methodology report

That the Committee accept the Preliminary Infrastructure Valuation Summary Report 2025.

Item 6.1 Review Investment Policy, 6.2 Review Asset Disposal Policy, 6.3 Non-Current Asset Accounting Policy, 6.4 Review Procurement Policy

That the Investment Policy, Asset Disposal Policy and Non-Current Asset Accounting Policy and the Procurement Policy be approved by the Committee and presented to Council for formal adoption.

Item 7.1 QAO Briefing, 7.2 Review Crowe external audit plan including audit timetable and audit fee

That the Committee accept the QAO Briefing Paper and External Audit Plan.

Item 7.3 Consider need for closed session briefing with Crowe/QAO

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

Item 8.1 Internal Audit Report – Progress towards achieving audit schedule and recommendations from audits undertaken

That the Committee accept the Internal Audit Report.

Item 9.1 Project and Program Risk Management

That the Committee accept the Project Risk Summary of 2024/25 Key Projects.

Item 10.1 Progress report on implementation of agreed management action items from Internal and External Audit

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

That:

1. the minutes of the Audit and Risk Committee meeting held on 7 May 2025 be noted; and
2. the recommendations as detailed in the minutes and summarised in Items 3 to 10.1 above be adopted.

Resolution

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

CARRIED

9.09am - Mr. Pearce entered the meeting.

4.4. Local Disaster Management Group Meeting Minutes 2024/2025

Recommendation

That the minutes of the Local Disaster Management Group Meeting held on the below dates be received as a true and correct record.

- 18 October 2024
- 15 November 2024
- 17 January 2025
- 21 March 2025
- 2 May 2025

Resolution

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

CARRIED

5. EXECUTIVE

5.1. CEO

5.2. ECONOMIC DEVELOPMENT

5.2.1. Sweets Day Hot Nights Festival - Welcome to Country

Executive Summary

Burdekin Shire Council is coordinating the 2025 *Sweet Days Hot Nights Festival* to be held on Friday, 30 May and Saturday, 31 May at the Home Hill Showgrounds. The *Sweet Days Hot Nights Festival* is all about celebrating Australia's Sugar cane capital – the people, the produce and the culture. The 2025 festival's headline events include the Burdekin Cultural Fair featuring First Fire and the Australian Hand Cane Cutting Championships.

Council has received correspondence from Kyburra Munda Yalga Aboriginal Corporation RNTBC requesting Council to not include a Welcome to Country at the 2025 event at the Home Hill Showgrounds, which is held on the land of the Juru People. Council has received legal advice confirming that Kyburra Munda Yalga Aboriginal Corporation RNTBC holds native title on behalf of the native title holders in respect to the Juru People (Part A) and (Part B) determinations that have been made.

Recommendation

That following legal advice confirming that Kyburra Munda Yalga Aboriginal Corporation RNTBC holds native title on behalf of the native title holders for the Juru People (Part A and Part B determinations) and a request from Kyburra Munda Yalga Aboriginal Corporation RNTBC to not perform a Welcome to Country at the event, Council resolves not to include a Welcome to Country at the 2025 *Sweet Days Hot Nights Festival*.

Resolution

Moved Councillor Dalle Cort, seconded Councillor Vasta that the recommendation be adopted.

Voting on the Motion

FOR - Councillors Amanda Hall, Callan Oar

AGAINST - Councillors Pierina Dalle Cort, Michael Detenon, John Furnell, Max Musumeci, Fina Vasta

2/5

LOST

After the original motion was lost, an amended motion was proposed.

Amended Recommendation

That Council

- a. Agrees for a Welcome to Country and Smoking Ceremony to proceed as planned for the *2025 Sweet Days Hot Nights Festival*; and
- b. Following the event, Council facilitate a meeting with Kyburra Munda Yalga Aboriginal Corporation RNTBC board to finalise arrangements for the future.

Resolution

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

Voting on the Motion

FOR – Councillor John Furnell

AGAINST - Councillors Pierina Dalle Cort, Michael Detenon, Max Musumeci, Fina Vasta, Amanda Hall, Callan Oar

1/6

LOST

After the amended motion was lost, a subsequent amended motion was proposed.

Amended Recommendation

That Council

- a. Agrees for a Welcome to Country and Smoking Ceremony to proceed as planned for the *2025 Sweet Days Hot Nights Festival*, noting that no payment will be made for these services; and
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- b. Following the event, Council facilitate a meeting with Kyburra Munda Yalga Aboriginal Corporation RNTBC board to finalise arrangements for the future; and
 - c. Investigate, develop and adopt a policy for future Welcome to Country ceremonies at Council events.

Resolution

Moved Councillor Dalle Cort, seconded Councillor Vasta that the recommendation be adopted.

Voting on the Motion

FOR - Councillors Max Musumeci, Pierina Dalle Cort, Fina Vasta, Michael Detenon

AGAINST - Councillors John Furnell, Callan Oar, Amanda Hall

4/3

CARRIED

9.31am - Mr. Arboit entered the meeting.

6. CORPORATE AND COMMUNITY SERVICES

6.1. CLIENT SERVICES

6.1.1. Annual Staff Accrued Annual and Long Service Leave Entitlements Report

9.35am - Mrs. Tinus entered the meeting.

9.35am - Mrs. Lovell left the meeting.

Executive Summary

This report aims to provide the Council with an update on current Annual Leave and Long Service Leave accrued entitlements for staff.

Recommendation

That the Staff Accrued Annual Leave and Long Service Leave Entitlement Report be received and noted.

Resolution

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

CARRIED

6.1.2. Prevention and Elimination of Sexual Harassment Policy

Executive Summary

The purpose of this policy is to outline the Council's position on the prevention and elimination of sexual harassment. Recent changes to the *Work Health and Safety Regulation 2011 (Qld)* and the recent passing of the *Respect at Work and Other Matters Amendment Act 2024 Qld (the Act)* have introduced new obligations on Queensland workplaces, including Local Government Council's, to pro-actively manage the risks of sexual harassment and sex or gender-based discrimination and other objectionable conduct under anti-discrimination legislation. In response to this legislative change Council has developed a new Prevention and Elimination of Sexual Harassment Policy as attached to this report for Councils adoption.

Recommendation

That Council adopt the newly developed Prevention and Elimination of Sexual Harassment Policy.

Resolution

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

CARRIED

9.38am - Mrs. Tinus left the meeting.

6.2. COMMUNITY DEVELOPMENT

6.2.1. Arts and Cultural Development Policy

Executive Summary

The Arts and Cultural Development Policy provides a framework for the support of arts and cultural activities throughout the Shire. A review of the Policy was recently undertaken, and a number of minor changes are recommended.

The recommended changes are:

- Updated policy contact
 - Change the Regional Arts Development Fund Committee to Regional Arts Development Fund Advisory Group
 - Inclusion of one additional Policy Statement
 - Inclusion of one additional Risk Management Statement
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Recommendation

That Council adopts the Arts and Cultural Development Policy as attached.

Resolution

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

CARRIED

9.40am - Mr. Arboit left the meeting.

6.3. FINANCIAL AND ADMINISTRATIVE SERVICES

6.3.1. Adoption of 2025/26 Fees and Charges

Executive Summary

The 2025/26 Fees and Charges schedule is required to be adopted by Council to be effective from 1 July 2025.

Recommendation

That in accordance with the *Local Government Act 2009*, Council adopts the attached 2025/26 Fees and Charges schedule, to take effect from 1 July 2025.

Resolution

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

CARRIED

6.3.2. Monthly Financial Report - April 2025

Resolution

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

CARRIED

9.43am - Mrs. Manganaro entered the meeting.

9.56am - Mayor Dalle Cort left the meeting to attend the Unveiling of Jean Morris Headstone at the Ayr Cemetery.

Resolution

Moved Councillor Detenon, seconded Councillor Furnell that Councillor Musumeci assume the chair for the remainder of the meeting in Mayor Dalle Cort's absence.

CARRIED

6.3.3. Corporate Purchase Card Policy

9.50am Mr. Ryan Jones entered the meeting.

Executive Summary

The Corporate Purchase Card Policy was developed to establish a criteria for issuing Corporate Purchase Cards and outlines responsibilities for cardholders. Purchase Cards will not be issued to contractors, temporary employees, or elected members with the exception of the Mayor.

Recommendation

That Council adopts the attached Corporate Purchase Card Policy.

Resolution

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

CARRIED

9.58am - Mrs. Manganaro left the meeting.

6.4. GOVERNANCE

7. INFRASTRUCTURE, PLANNING AND ENVIRONMENTAL SERVICES

7.1. ENVIRONMENTAL AND HEALTH SERVICES

7.2. OPERATIONS

7.3. PLANNING AND DEVELOPMENT

7.3.1. Development Application for a Development Permit for Reconfiguring a Lot – Boundary Realignment (2 Lots into 2 Lots) at 89 and 93 Moody Road, Jarvisfield (Lot 2 on SP284256 and Lot 1 on SP284256)

Executive Summary

Council is in receipt of an impact assessable reconfiguring a lot development application lodged by T and M Pivotto, seeking a Development Permit for Reconfiguring a Lot to realign the common boundary of two (2) lots located at 89 and 93 Moody Road, Jarvisfield, on land described as Lot 2 on SP284256 and Lot 1 on SP284256.

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, on land described as Lot 2 on SP284256 and Lot 1 on SP284256, 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 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 Reconfiguration Lots 1 & 2 – Cancelling Lots 1 & 2 on SP284256	P24-344a Sheet 1 of 1	8/10/2024
3. Payment of Rates, Charges and Expenses		
3.1 Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.	Confirmation to be provided to Council prior to the release of the Plan of Survey.	
3.2 Pay the sum calculated at the current charge per lot to be levied on the Council by the Department of Resources, for each new valuation.		
4. Access and Roadworks		
4.1 The construction of any additional crossovers to give access to the land is the owner's responsibility.	To provide appropriate access in accordance with relevant code/s and policy direction.	At all times.
4.2 An application must be made to and approved by Council before the construction of any additional access crossovers.		
4.3 Approved crossovers must be constructed in accordance with requirements of the approval to the satisfaction of Council.		
5. Services and Infrastructure		
Stormwater	To ensure that stormwater does not adversely affect surrounding properties or properties downstream from the development.	At all times

Condition	Reason	Timing
5.1 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.		
5.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		

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 indemnify and save the council harmless in respect of any claim so 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. Existing Services The existing services for each lot must be contained within the individual allotments.
8. 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 Oar, seconded Councillor Detenon that the recommendation be adopted.

CARRIED

7.3.2. Development Application for a Development Permit for Reconfiguring a Lot – Boundary Realignment (2 Lots into 2 Lots) at 22 and 26 Webber Road, McDesme (Lot 1 on RP733454 and Lot 2 on RP733454)

Executive Summary

Council is in receipt of an impact assessable reconfiguring a lot development application lodged by BNC Planning on behalf of the applicant, Atkinson Surveys, seeking a Development Permit for Reconfiguring a Lot to realign the common boundary of two (2) lots located at 22 and 26 Webber Road, McDesme, on land described as Lot 1 on RP733454 and Lot 2 on RP733454.

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, on land described as Lot 1 on RP733454 and Lot 2 on RP733454, subject to reasonable and relevant conditions as set out below:

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) 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</i> (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.			
2. Approved Plans and Documents			
<u>Approved Plans & Documents</u>			At all times.
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		

Condition	Reason	Timing
2.2 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.		
2.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
Approved Plans		
Drawing Title	Drawing/Revision	Date
Proposed Reconfiguration Lots 1 & 2 – Cancelling Lots 1 & 2 on RP733454	P24-369a Sheet 1 of 1	4/12/2024
3. Payment of Rates, Charges and Expenses		
3.1 Prior to signing the Plan of Survey, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.	Confirmation to be provided to Council prior to the release of the Plan of Survey.	
3.2 Pay the sum calculated at the current charge per lot to be levied on the Council by the Department of Resources, for each new valuation.		
4. Access and Roadworks		
4.1 The construction of any additional crossovers to give access to the land is the owner's responsibility.	To provide appropriate access in accordance with relevant code/s and policy direction.	At all times.
4.2 An application must be made to and approved by Council before the construction of any additional access crossovers.		
4.3 Approved crossovers must be constructed in accordance with requirements of the approval to the satisfaction of Council.		
5. Services and Infrastructure		
Stormwater	To ensure that stormwater does not adversely affect surrounding properties or properties downstream from the development.	At all times
5.1 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.		
Condition		
5.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		
6. Confirmation of Existing Services		
6.1 The existing services for each lot must be contained within the individual allotments.	To ensure the development is appropriately serviced in accordance with relevant code/s and policy direction.	Confirmation to be provided to Council prior to the release of the Plan of Survey.

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 indemnify and save the council harmless in respect of any claim so arising.
4. Acid Sulfate Soils 4.1 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 5.1 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 Vasta, seconded Councillor Oar that the recommendation be adopted.

CARRIED

7.3.3. Development Application for a Development Permit for Material Change of Use – Health care service (expansion of existing) located at 9 Chippendale Street, Ayr (Lot 12 on SP151992)

Executive Summary

Council is in receipt of an Impact Assessable Development Application lodged by BNC Planning on behalf of the applicant, Burdekin Development Pty Ltd, seeking a Development Permit for a Material Change of Use for Health care service (expansion of existing) on land located at 9 Chippendale Street, Ayr and described as Lot 12 on SP151992.

Recommendation

That Council approve the development application seeking a Development Permit for a Material Change of Use - Health Care service on land located at 9 Chippendale Street, ayr and described as Lot 12 on SP151992, subject to reasonable and relevant conditions as set out below:

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.		

Condition	Reason	Timing
1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council. <u>Infrastructure Conditions</u>		
1.8 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk.		
2. Approved Plans and Documents		
2.1 The proposed development must be completed, comply with and maintained, generally in accordance with the plans as per and drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.	The approved development and associated works must be completed and maintained generally in accordance with the approved drawings and documents.	At all times.
2.2 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.		
2.3 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.		
2.4 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		

Condition	Reason	Timing
Approved Plans		
Drawing Title	Drawing/Revision	Date
Wall/ roof framing plan, sections and details	24229GP SO2 Rev A	12/09/2024
Ground Floor Plan	POP2002.01 A-03 Rev A	November 2002
First Floor Plan Roofing Plan	POP2002.01 A-04 Rev A	October 2002
3. Outstanding Charges		
3.1 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		
4.1 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: <i>'health care service means the use of premises for medical purposes, paramedical purposes, alternative health therapies or general health care, if overnight accommodation is not provided on the premises.</i> 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.	The development must comply with all planning scheme requirements including definitions, nature and extent as approved and conditioned by this development permit.	At all times.
5.2 No other operations and/or activities are allowed other than those approved by this permit.		
5.3 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the		

Condition	Reason	Timing
development application including its supporting material provided to it by the applicant. 5.4 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.		
6. Infrastructure and Servicing		
<u>Stormwater</u> 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. 6.3 Stormwater drainage from paved/sealed and roofed areas must be discharged under the road verge 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. <u>Electricity and Communications</u> 6.4 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.	To ensure that development has an appropriate level of infrastructure for the efficient functioning of the use while not impacting on adjoining land uses or the environment.	At all times unless otherwise stated.
7. Amenity and Safety		
<u>Visual Treatment of Plant and Equipment</u>		
Condition	Reason	Timing
7.1 The applicant must ensure all plant and equipment (inclusive of air conditioning units, compressors, generators, ducting, ventilation and the like) is: i. appropriately screened and ventilated from view from any dedicated road or adjoining residential premises. <u>Refuse Facilities and Waste Management</u> 7.2 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. 7.3 Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. 7.4 Waste storage areas shall be not visible from the street-front and suitably screened. 7.5 Waste removal must only occur between the hours of 7am and 7pm to avoid the potential for noise impacts on neighbouring properties at night. <u>Signage</u> 7.6 Any signage to be associated with the use must be designed to the satisfaction of and approved by Council. 7.7 To maintain amenity for the adjoining residential properties, no illumination of any signage proposed is to occur unless otherwise approved by Council.	To protect the amenity of adjoining residential uses and soften the visual impact of the development from the street and adjoining land to ensure that the development does not cause undue disturbance to any person or activity because of noise, vibration, odour, dust or other emissions	At all times.

Condition	Reason	Timing
<p><u>Storage</u></p> <p>7.8 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>7.9 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>7.10 Any storage on-site is required to be screened from view from all roads and adjacent properties.</p> <p><u>Nuisance and off-site impacts</u></p> <p>7.11 In accordance with the <i>Environmental Protection Act 1994</i>, any emission of noise, dust, odour and noise arising from the approved Health care service outlet must not cause environmental nuisance including to any sensitive receptor, and must ensure that the emissions are consistent with the <i>Environmental Protection (Noise) Policy 2019</i>.</p> <p>7.12 External lighting must be installed in accordance with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting. The installation of external lighting must be certified by a suitably qualified person in accordance with the Australian Standard.</p> <p>7.13 Airconditioning units are not to exceed a sound power level of Lw 66 dB(A) and the external cold room condenser is limited to a sound power level of Lw 70 dB(A).</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>

Advice
<p>2. 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>3. Further Approvals Required</p> <p>a) Erection of Structures over or adjacent to Sewers 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 onsite.</p> <p>b) 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>c) Building Works A development permit for building works to carry out building works is required, prior to works commencing on site</p>
<p>4. 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> <p>(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>
<p>5. Construction</p> <p>5.1 <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>5.2 <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.</p> <p>In this regard persons and entities, involved in the civil, earthworks, and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.</p> <p>5.3 <u>General Safety of Public During Construction</u></p>

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>	
5.4	<p>Building Work Noise</p> <p>The hours of audible noise associated with construction and building work on-site must be limited to between the hours of:</p> <ul style="list-style-type: none"> 6.30 a.m. to 6.30 p.m. Monday to Saturday; with No work on Sundays or Public Holidays.
5.5	<p>Storage of Materials and Machinery</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>
6.	<p>Aboriginal and Cultural Heritage</p> <p>6.1 If any item of cultural heritage is identified during site works, all work must cease, and the relevant state agency must be notified. Work can resume only after state agency clearance is obtained.</p> <p>6.2 The applicant is reminded of their obligations under the <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>
7.	<p>Miscellaneous</p> <p>7.1 Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.</p> <p>7.2 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of Council.</p> <p>7.3 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.</p>

Resolution

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

CARRIED

7.3.4. Development Application for a Development Permit for Material Change of Use – Service Station Located at 1-7 Wallace Road, Inkerman (Lots 1, 2, 3 and 4 on I9191)

Executive Summary

Council is in receipt of an Impact Assessable Development Application lodged by Milford Planning on behalf of the applicant, Singh Homez Pty Ltd, seeking a Development Permit for a Material Change of Use for a Service station on land located at 1-7 Wallace Road, Inkerman described as Lots 1, 2, 3 and 4 on I9191.

Recommendation

That Council approve the development application seeking a Development Permit for a Material Change of Use for Service Station on land located at 1-7 Wallace Road, Inkerman and described as Lots 1, 2, 3 and 4 on I9191, 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:		At all times.
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.		

Condition	Reason	Timing
1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council. <u>Infrastructure Conditions</u>		
1.8 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk.		
2. Approved Plans & Documents		
2.1 The proposed development must be completed, comply with and maintained, generally in accordance with the drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.	To ensure that the development contributes to a safe and attractive industrial environment.	At all times.
2.2 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.		
2.3 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.		
2.4 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
Approved Plans and Documents		
Title	Drawing/Revision	Date
1-7 Wallace Road Inkerman QLD proposed site layout	INK24002 Sheet 2 of 10 Rev 2	17/12/24
1-7 Wallace Road Inkerman QLD bushfire hazard overlay	INK24003 Sheet 3 of 10 Rev 1	17/12/24
1-7 Wallace Road Inkerman QLD Caltex canopy (external finishes)	INK24004 Sheet 4 of 10 Rev 2	17/12/24

Condition	Reason	Timing
1-7 Wallace Road Inkerman QLD BP Canopy (external finishes)	INK24005 Sheet 5 of 10 Rev 1	17/12/24
1-7 Wallace Road Inkerman QLD Pylon Sign Indicative (external finished)	INK24009 Sheet 9 of 10 Rev 1	25/01/25
Proposed Service Station Development Swept Path Analysis	230110-SK01 Rev B	22/01/25
Site Based Stormwater Management Plan	STP25-0325 Rev 2	08/08/2024
3. Outstanding Changes		
3.1 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		
4.1 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		
<p>5.1 This approval provides for a development for: 'Service station' as defined in the Planning Scheme: Service station means the use of premises for – <i>(a) selling fuel, including, for example, petrol, liquid petroleum gas, automotive distillate or alternative fuels; or</i> <i>(b) a food and drink outlet, shop, trailer hire, or maintaining, repairing, servicing or washing vehicles, if the use is ancillary to the use in paragraph (a).</i></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 plans and documents listed in the table forming part of Condition 1.</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</p>	<p>The development must comply with all planning scheme requirements including definitions, nature and extent as approved and conditioned by this development permit.</p>	<p>At all times.</p>
Condition		
<p>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. Hours of Operation		
<p>6.1 Unless otherwise agreed in writing by council, the activities associated with the use must only be conducted at the following times:</p> <ul style="list-style-type: none"> ▪ Service Station: 6am and 8pm every day. ▪ Deliveries: 6am - 6pm every day. ▪ Refuse Collection: 7am - 6pm, Weekdays only 	<p>To ensure the development does not have a detrimental impact on the amenity of the surrounding land in accordance with relevant code/s and policy direction.</p>	<p>At all times following the commencement of the use.</p>
7. Access, Parking and Traffic		
<p>7.1 All car parking, access and manoeuvring areas must be imperviously sealed.</p> <p>7.2 Construct driveway crossovers at the road frontage in accordance with the relevant standards and the approved plan.</p>	<p>To accommodate the anticipated demand safely and efficiently.</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Then maintained at all times.</p>
8. Stormwater		
<p>8.1 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>8.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p>	<p>To ensure that development has an appropriate level of infrastructure for the efficient functioning of the use while not impacting on adjoining land uses or the environment.</p>	<p>i. If required technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Then maintained at all times.</p>

Condition	Reason	Timing
8.3 Stormwater flows discharging from the site shall be captured in a pit or culvert prior to exiting the development and be discharged under the existing bitumen sealed road, in accordance with Site Base Stormwater Management Plan (SBSWMP) submitted by STP including drawing no SKC-002 P2, as amended in blue (Option 1) or purple (Option 2) by Council.		

9. Amenity, Landscaping, Screening and Safety

<p><u>Noise Management</u></p> <p><i>General</i></p> <p>9.1 The proposed activity must be conducted in a manner that applies such reasonable and practicable means to avoid, minimise or manage the emission or likelihood of emission of noise that constitutes an intrusive or noise nuisance.</p> <p>9.2 The use must only operate between the hours of 6:00am and 8:00pm.</p> <p>9.3 In the event of a complaint being received by Council in relation to noise associated with the use that is considered reasonable, the developer/operator must engage a suitably qualified acoustic consultant to undertake an assessment addressing noise emanating from the site for this use in accordance with the relevant provisions and standards and to the satisfaction of the Burdekin Shire Council.</p> <p>9.4 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of noise attenuation measures. The developer/operator must provide a copy of the report to Council</p>	To ensure that the use does not cause nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby noise sources in accordance with the <i>Environmental Protection Act 1994</i> .	<p>i. Technical details relating to matters of acoustic and noise management are to be submitted to council within one (1) month from the commencement of the use.</p> <p>ii. Then, maintained at all times.</p>
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Condition	Reason	Timing
<p>and undertake any works (if required from the report) within 3 months at no cost to Council.</p> <p><i>Acoustic Fence</i></p> <p>9.5 Prior to the commencement of use, a 2m high acoustic fence must be constructed for the full length along the eastern boundary of the subject site or alternative length as deemed necessary by a suitably qualified acoustic consultant, to the satisfaction of Council.</p> <p>9.6 The acoustic fence must be constructed in accordance with the following specifications:</p> <ol style="list-style-type: none"> Finishes must be muted and durable materials where fronting the sensitive land uses; Have a minimum surface density of 12 kg/m² and be free from holes and gaps. Materials such as 9 mm thick fibre cement sheet, 25 mm thick plywood timber panelling, 12 mm thick Perspex and proprietary panels such as 75mm thick Wallmark EVO panels must be used to achieve the required surface density. Any other approved material which meets the minimum surface density specification may also be used. <p>9.7 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> <p><i>Acoustic Quality Objectives</i></p>		<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Then maintained at all times.</p>

Condition					Reason	Timing
Column 1	Column 2	Column 3			Column 4	
Sensitive receptor	Time of day	Acoustic quality objectives (measured at the receptor) dB(A)			Environmental value	
		L _{Aeq,1hr}	L _{A10,1hr}	L _{A1,1hr}		
residence (for outdoors)	daytime and evening	50	55	65	health and wellbeing	
residence (for indoors)	daytime and evening	35	40	45	health and wellbeing	
	night-time	30	35	40	health and wellbeing, in relation to the ability to sleep	

daytime means the period after 7a.m. on a day to 6p.m. on the day.

evening means the period after 6p.m. on a day to 10p.m. on the day.

night-time means the period after 10p.m. on a day to 7a.m. on the next day.

residence includes a building, or part of building, capable of being used as a dwelling.

sensitive receptor means an area or place where noise is measured.

Post Construction Certification

9.8 The developer must submit to council a post construction certification provided by a suitably qualified acoustic consultant, one month following commencement of use, demonstrating that acoustic amenity in accordance with the relevant requirements is being achieved.

Landscaping

9.9 All areas of the site that are not sealed for access and manoeuvring are to be turfed or landscaped.

Condition		Reason	Timing
9.10	The applicant shall submit a Landscaping Plan for the site. To guide species selection, the landscaping plan shall be in accordance with Council's Plant and Trees list and must avoid any weeds species and have low bushfire risk.	To provide for an attractive streetscape and soften the visual impact of the development from the street and adjoining land.	i. Technical details are to be submitted to Council as part of an application for Operational Work.
9.11	Before the use starts or by such later date as is approved by council, the landscaping works shown on the endorsed plans must be carried out and completed.		ii. Then maintained at all times.
9.12	The landscaping shown on the endorsed plans must be maintained including that any dead, diseased or damaged plants are to be replaced.		
<u>Safety</u>			
9.13	Development is to be operated at all times to ensure: <ul style="list-style-type: none"> (a) casual surveillance and sight lines are maximised; (b) personal concealment and entrapment locations are avoided; and (c) adequate lighting is provided. 		At all times
<u>Lighting</u>			
9.14	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.		At all times
9.15	The developer must submit to council post construction certification provided by a suitably qualified consultant, one month following commencement of use, demonstrating that lighting in accordance with the relevant requirements is achieved.		

Condition	Reason	Timing
10. Waste Management		
10.1 Waste bins must be provided and stored on site. 10.2 A plan detailing the location of the waste bins must be endorsed by Council. 10.3 The number of bins shall be in accordance with Burdekin Shire Council's Waste Management Policy. 10.4 A hose cock and hose is to be provided at the waste storage area. 10.5 Waste bins shall be washed or cleaned only in the bin wash area which shall be constructed under separate approval and fitted with traps, diversion valves and other approved devices to prevent stormwater ingress into the sewerage system and to prevent the risk of release of contaminants to stormwater.	To ensure development is appropriately serviced.	i. Technical details are to be submitted to Council as part of an application for Operational Work. ii. Then maintained at all times.
11. Amalgamation of Lots		
11.1 Amalgamate Lots 1 to 4 on I9191 into one lot.	To ensure the development can operate as proposed.	Prior to the lodgement of the Development Permit for Building Works
12. Bushfire Hazard		
12.1 Undertake the activity in accordance with the requirements of the Bushfire Hazard Assessment and Management Plan, prepared by Ecosystems Management (Aust) Pty Ltd, dated 31 May 2024.	To ensure the bushfire risk to the site is mitigated to ensure effective safety of persons to the site in the event of bushfire event.	At all times.
13. Environmental Health		
13.1 An Environmental Management Plan prepared by a suitably qualified person is to be submitted to Council for assessment and approval, prior to the commencement of any works. 13.2 The Environmental Management Plan must be endorsed by the	To avoid environmental nuisance.	At all times.
Condition	Reason	Timing
Chief Executive Officer. 13.3 The applicant must implement the requirements and recommendations of the approved assessments. 13.4 This assessment and any approved and/or amended plan/s will form part of the approval. 13.5 Prior to commencement of any work on the site, the applicant must submit to Council for approval, a site-based Erosion Prevention and Sediment Control Plan prepared by a suitably qualified person for the site. 13.6 The applicant is to ensure that erosion and sedimentation control management is undertaken and maintained to prevent soil erosion and sedimentation runoff to watercourses and Council's stormwater drainage system in accordance with the relevant guidelines and manual requirements. 13.7 The applicant is to ensure that: i. Works occur so they do not cause unreasonable interference with the amenity of adjoining premises because of noise, air or other chemical pollutants. ii. The premises including the adjoining Council controlled road reserve are kept in a safe, clean and tidy state; and iii. All construction materials are contained wholly within the premises. 13.8 Where contaminated soils are evident, remedial works must be undertaken in accordance with <i>Environmental Protection Act 1994</i> . 13.9 Where contaminated soils are identified, Council must be notified and provided with an appropriate Contaminated Soil Remedial Plan.		

Condition	Reason	Timing
<p>13.10 Vapour recovery Stage 1 and 2 of the Vapour Recovery Systems (VR1 and VR2) must be installed for all tanks used for the storage of flammable and/or combustible liquids on the site to return displaced vapour to the delivery vehicle during filling of the underground petroleum storage system. The Vapour Recovery System must be designed and installed in compliance with AS4897-2008</p> <p>13.11 The design, installation and operation of underground petroleum storage systems and the following:</p> <ul style="list-style-type: none"> a) mixing of product must be prevented in pipework common to more than one tank b) spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser. c) the vapour recovery point must be located within 2 metres of the respective fill point. <p>13.12 Certification must be submitted to Council from a suitably qualified person which certifies that the design, installation and operation of Vapour Recovery Systems is in accordance with this condition of approval.</p> <p>13.13 All existing underground fuel tanks are to be removed and lawfully disposed of.</p> <p>13.14 All inlets to bulk fuel storage tanks must be located to ensure that fuel delivery trucks can stand wholly within the site while discharging fuel.</p> <p>13.15 The underground petroleum storage system must include an approved leak detection system that:</p>		

Condition	Reason	Timing
<ul style="list-style-type: none"> i. can detect a leak from any portion of the underground storage system. ii. uses equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions. iii. is capable of detecting a leak at a rate of 0.76L per hour or more with at least 95% accuracy and a probability of false detection of 0.05 or less (United States Environmental Protection Agency (USEPA)) iv. has been certified by an independent third party, consistent with the current USEPA protocols and system of verification (USEPA 1990, 40 CFR Part 280, Subpart D). v. adequate procedures and measures (including an inventory control system) must be in place to monitor the storage volumes within chemical tanks to prevent overflow and to detect leaks and for the inspection and maintenance of environmental control measures, for example, bunding, wastewater containment devices, interceptors and acoustic enclosures <p>13.16 All ground surfaces within the Fuel Dispensing Area (FDA) are to be constructed of impermeable materials, free of gaps and/or cracks. Suitable materials include waterproofed, reinforced concrete or an approved equivalent.</p> <p>13.17 Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the demarcated areas.</p> <p>13.18 A containment/interceptor device (with a minimum capacity 9,000 litres) and/or treatment system to remove hydrocarbon</p>		

Condition	Reason	Timing
<p>must be installed to capture runoff from the covered forecourt areas around all fuel dispensing pumps.</p> <p>13.19 The tanker vehicle refuelling area must be designed so that any spillage from the tanker will drain to a containment/interceptor device (with a minimum capacity of 9,000 litres).</p> <p>13.20 Wastewater must be removed off-site by a suitably qualified person under the Environmental Protection Act 1994 or discharged in accordance with Council's Waste Policy and the Environmental Protection (Water) Policy 2009.</p> <p>13.21 The stormwater drainage and treatment system must include a manual redirection and shut-off valve located prior to the stormwater discharge points. In the event of a major spillage or emergency event where fire water is used, the waste liquid must be directed back to the minimum 9,000 Litre containment/interceptor device, for collection and later disposal.</p> <p>13.22 All fuel dispensing areas (FDA) must be covered. A demarcation line is to be line marked on the drip line of the canopies</p> <p>13.23 Operational plan should specify the size and certification for the efficiency of the collection system for preventing overflow, and</p> <p>13.24 Submit to Council, certification by a suitably qualified person that the system has been installed in accordance with development approval conditions.</p> <p>13.25 All bunding must be constructed of materials which are impervious to the materials stored. The net capacity of the bunded compound shall be no less than the capacity of the largest tank or package plus 25% of the storage capacity up to 10,000L together with 10% of the storage capacity above 10,000L.</p>		

14. Acid Sulfate Soils Management

Condition	Reason	Timing
<p>14.1 Should the soil and groundwater investigations reveal the presence of acid sulfate soils or potential acid sulfate soils, an Acid Sulfate Soils Management Plan must be prepared and submitted to Council for approval.</p> <p>14.2 The applicant must implement the requirements and recommendations of the approved assessments.</p> <p>14.3 This assessment and any approved and/or amended plan/s will form part of the approval.</p>	<p>To ensure potential adverse impacts on the natural and built environment including infrastructure and human health as a result of acid sulfate soils are avoided.</p>	<p>If required, technical details are to be submitted to Council as part of an application for Operational Work.</p>

Advice

1. Infrastructure Charges

An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the development permit is attached for your information.

2. Compliance with Conditions

Inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.

3. Further Approvals Required

a) Operational Works

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.

b) 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.

c) Building Works

A development permit for building works to carry out building works is required, prior to works commencing on site.

4. Equitable Access and Facilities

Advice
<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> <p>(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>
<p>5. Construction</p> <p>5.1 Commencement Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via planning@burdekin.qld.gov.au</p> <p>5.2 Environmental Nuisance 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>5.3 General Safety of Public During Construction 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. 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. It is the responsibility of the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.</p> <p>5.4 Building Work Noise 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

Advice
<ul style="list-style-type: none"> No work on Sundays or Public Holidays. <p>5.5 Storage of Materials and Machinery 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>6. Aboriginal and Cultural Heritage</p> <p>6.1 If any item of cultural heritage is identified during site works, all work must cease, and the relevant state agency must be notified. Work can resume only after state agency clearance is obtained.</p> <p>6.2 The applicant is reminded of their obligations under the <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>7. Miscellaneous</p> <p>7.1 Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.</p> <p>7.2 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of Council.</p> <p>7.3 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.</p>

Resolution

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

CARRIED

7.3.5. Development Application for a Development Permit for Material Change of Use – Extractive industry located at 194 Phillips Camp Road, Jarvisfield (Lot 144 and Lot 145 on GL12469)

10.05am - Councillor Oar left the meeting at the commencement of this discussion as he had a Declarable Conflict of Interest in relation to Item 7.3.5 Development Application for a Development Permit for Material Change of Use – Extractive industry located at 194 Phillips Camp Road, Jarvisfield (Lot 144 and Lot 145 on GL12469) as he is a close friend to Mr. Ryan Jones of Jones Holding NQ who is the applicant seeking the Development Permit.

Executive Summary

Council is in receipt of an Impact Assessable Development Application lodged by Milford Planning on behalf of the applicant, Jones Holdings NQ, seeking a Development Permit for a Material Change of Use for Extractive industry on land located at 194 Phillips Camp Road, Jarvisfield described as Lot 144 and Lot 145 on GL12469.

Recommendation

That Council approve the development application seeking a Development Permit for a Material Change of Use for Extractive industry on land located at 194 Phillips Camp Road, Jarvisfield and described as Lot 144 and Lot 145 on GL12469, subject to reasonable and relevant conditions as set out below:

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.		
1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council.		
<u>Infrastructure Conditions</u>		
1.8 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk.		
2. Approved Plans and Documents		

Condition	Reason	Timing
<p>2.1 The proposed development must be completed, comply with and maintained, generally in accordance with the drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.</p> <p>2.2 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>2.3 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.</p> <p>2.4 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.</p>	To ensure that the development contributes to a safe and attractive industrial environment.	At all times.
3. Approved Plans		
Drawing Title	Drawing/Revision	Date
Sand Extraction Area	M2355-SK-01 Issue D	4/03/2025
4. Outstanding Charges		
4.1 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.		
5. Notice of Intention to Commence the Use		
5.1 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.		
6. Nature and Extent of Approved Use		
6.1 This approval is limited to an Extractive Industry uses as defined: <i>Extractive industry means the use of premises for –</i> <i>(a) extracting or processing extractive resources; and</i>	The development must comply with all planning scheme requirements including definitions, nature and extent as	At all times.
Condition	Reason	Timing
<p>(b) any related activities, including, for example, transporting the resources to market.</p> <p>6.2 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 1.</p> <p>6.3 No other operations and/or activities are allowed other than that approved by this permit.</p> <p>6.4 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>6.5 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>6.6 Extraction volume is limited to a maximum 5,000 tonnes per calendar year.</p> <p>6.7 No fuel, oil, chemicals, or other hazardous materials are permitted to be stored on-site at any time.</p> <p>6.8 Unless otherwise agreed in writing by council, the operation and activities associated with the use are limited to:</p> <ul style="list-style-type: none"> 6am – 6pm, Monday to Saturday No operation on Sundays or public holidays; and No extraction or haulage to occur during rainfall and/or flood events. 	approved and conditioned by this development permit.	
7. Roadworks, Access, Parking and Traffic		
7.1 RPEQ certification to be provided stating that the proposed route is suitable for B-Double access once trucks exit the 'as of right' B-Double route on Rita Island Road, if B-Double haulage is required.	To ensure development mitigates its impact on the road network and safety of road users in this location and is appropriately serviced by parking and	When B-Double haulage is required.

Condition	Reason	Timing
	access facilities in accordance with relevant code/s and policy direction.	
8. Acid Sulfate Soils		
8.1 In the event that the works cause disturbance or oxidisation of acid sulfate soils: (a) an Acid Sulfate Soils Management Plan, prepared by a suitably qualified person, is to be submitted to Council for approval; (b) At a minimum the report must be prepared in accordance with the requirements of the Queensland Acid Sulfate Soil Technical Manual – Soil Management Guidelines; (c) The affected soil must be treated and thereafter managed until the affected soil has been neutralised or contained, with certification by the suitably qualified person confirming that the affected soil has been neutralised or contained in accordance with the guidelines and management plan, provided to Council. (d) The final Management Plan and any conditions or amendments thereto approved by Council must be implemented and maintained by the applicant/operator at all times.	To ensure potential adverse impacts on the natural and built environment including infrastructure and human health as a result of acid sulfate soils are avoided.	(i) Upon disturbance or oxidisation until the affected soil has been neutralised or contained, then (ii) At all times.
9. Site Rehabilitation Plan		
9.1 Prior to commencement of works, the applicant must prepare and submit to Council for approval a Site Rehabilitation Plan for the area to be affected by this approval. 9.2 The report is to be prepared by a suitably qualified person. 9.3 The report at a minimum must: (i) provide for progressive rehabilitation (ii) incorporate measures to minimise erosion, dust and noise (iii) include details of final landform profiling (iv) include a revegetation strategy using locally appropriate species to support ecological function; and (v) ensure final landform must be safe, stable, and suitable for its intended future use.	To ensure compliance with relevant assessment benchmarks.	(i) Prior to the Commencement of use, then (ii) At all times.
10. Site Based Management Plan		
10.1 Prior to commencement of works, the applicant must prepare and provide to Council for approval a Site Based Management Plan prepared by a suitably qualified person, that at a minimum: (i) assesses and addresses the flood risk to the land to ensure effective safety and evacuation procedures for the use; (ii) assesses and addresses the bushfire risk to the land to ensure effective safety and evacuation procedures for the use; (iii) Demonstrates how the development minimises the potential for disturbance of environmental and ecological values as a result of noise, light, vibration or other sources. 10.2 The final Management Plan and any conditions or amendments thereto approved by Council must be implemented and maintained by the Applicant at all times.	To ensure compliance with relevant assessment benchmarks.	(i) Prior to the commencement of use (ii) Then at all times.
11. Stormwater		
11.1 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. 11.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.	To ensure the premises appropriately manages and convey stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.	At all times.
12. Soil Erosion Minimisation, Sediment Control		
12.1 Should any works that involve the exposure of earth occur on site, appropriate erosion and sediment control management must be undertaken (including installation of site-specific stormwater treatment devices) and maintained to the satisfaction of the Council.	To ensure that receiving waters during operation of the development are managed from the effects of increased sediment run-off in accordance with relevant code/s and policy direction.	At all times.

Advice	
1. Compliance with Conditions	Inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.
2. Aboriginal and Cultural Heritage	<p>If any item of cultural heritage is identified during site works, all work must cease, and the relevant state agency must be notified. Work can resume only after state agency clearance is obtained.</p> <p>The applicant is reminded of their obligations under the <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>
3. 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> .
4. Miscellaneous	
4.1 <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
4.2 <u>Environmental Nuisance</u>	<p>Ensure compliance with the <i>Environmental Protection Act 1994</i>. The Act states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance.</p> <p>In this regard persons and entities, involved in the civil, earthworks, and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.</p>
4.3 <u>General Safety of Public</u>	<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>
4.4 <u>Storage of Materials and Machinery</u>	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.
Advice	
4.5	Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.
4.6	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.
4.7	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.

10.06am - Councillor Musumeci invited Mr. Ryan Jones of Jones Holdings NQ to add to the discussion.

Resolution

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

CARRIED

10.09am - Councillor Oar re-entered the meeting.

10.10am – Mr Ryan Jones and Mrs. Glenis Jones 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. Request to Renew Participation - Small Business Friendly Program

Mr. Magin discussed Council's renewal to participation in the Small Business Friendly Program and the positive feedback surrounding the initiative.

10.2. Correspondence - Primary Industries Prosper 2050 - Invitation to Participate

10.10am - Mr. Pearce left the meeting.

Mr. Magin discussed the correspondence from the Department of Primary Industries and encouraged Council to participate in public consultation and lodge a submission by the closing date 9 June 2025. Councillor Oar suggested that Council collaborate with Grower Bodies such as Ag Force, Canegrowers, Queensland Cane Agriculture & Renewables (QCAR) and Bowen Gumlu Growers on the submission. Councillors agreed.

11. COUNCILLOR REPORTS

11.1. Councillor Reports for April 2025

Recommendation

That Council notes the April 2025 monthly reports.

Resolution

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

CARRIED

12. GENERAL BUSINESS

12.1. Vote of Appreciation and Upcoming Event

- Councillor Furnell expressed thanks to Mr. Saldumbide for his response to queries raised at the Home Hill Chamber of Commerce meeting.
- Burdekin Catholic High School representatives attended the Youth Council Meeting and presented information regarding a sleepover event to be held on Friday 8 August for Homelessness Awareness Week.

12.2. Community Member Request to Council

Councillor Vasta reported she attended the Home Hill Chamber of Commerce Meeting where she received a request from a member of the Gem Society if they can position two (2) display cabinets at the Burdekin Library for the safety and display of the enclosed gems.

12.3. Request for Update on Macroalgae Bioremediation Project

Councillor Oar requested an update on when the Macroalgae facility will be capitalised.

12.4. Call to Move a Motion

Councillor Oar requested that a report be prepared detailing any gifts (including in-kind support), lease arrangements or payments to Gudjuda in the last ten years.

Resolution

Moved Councillor Oar, seconded Councillor Detenon that a report be prepared detailing any gifts (including in-kind support), lease arrangements or payments to Gudjuda in the last ten years.

CARRIED

12.5. Query – Gudjuda Café Re-opening

Councillor Hall inquired whether the Council is aware of the reason for Gudjuda Cafe's continued closure.

Councillor Oar inquired as to whether any provisions or regulations exist regarding abandonment of the building and its routine operations.

12.6. Building Certification Resolution and Clare Transfer Station Reports

Mr. Stewart discussed the following reports that were removed from the current Meeting Agenda:

- The Building Certification Services
- Changes to Operation Times – 6 Month Trial - Clare Transfer Station

Mr. Stewart reported that consultations are yet to commence with the Unions of impacted employees therefore the reports could not be brought to council for consideration.

12.7. Report from Community Member – Damaged Gravesite

Mr. Magin discussed a report to Council of a tree that fell during a weather event and caused damage to a gravesite at the Home Hill Cemetery. A relative has lodged a claim through Council's insurer that has since been rejected. Correspondence has been received from the relative and will be considered by Council at an upcoming Workshop.

13. CLOSED BUSINESS ITEMS

14. DELEGATION

There being no further business the meeting closed at 10.30am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 10 June 2025.

MAYOR
