



Confirmed Minutes
Burke Shire Council Special Meeting
Thursday 26 March 2020
9.00am Council Chambers

01. Opening of Meeting	2
02. Record of Attendance	2
02.01 LGR 2012 Section 276 – Attendance by teleconferencing.....	2
03. Executive Management Reports.....	3
03.01 Budget Revision	3
03.02 Material Change of Use - Lot 1 B13610	7
04. Closed Session Reports	17
05. Closure of meeting.....	17

01. Opening of Meeting

The Chair declared the meeting open at 9.10am.

02. Record of Attendance

Cr Ernie Camp; Mayor – Chair
Cr Paul Poole; Deputy Mayor
Cr John Clarke
Cr John Yanner
Cr Tonya Murray

Clare Keenan; Chief Executive Officer
Simbarashe Chimpaka; Executive Manager Finance (via teleconference)
Philip Keirle; Executive Manager Strategic Projects (via teleconference)
Madison Marshall; Executive Assistant - Minutes

On Leave Dan McKinlay; Deputy Chief Executive Officer

02.01 LGR 2012 Section 276 – Attendance by teleconferencing

That Council, in accordance with section 276 of the Local Government Regulation 2012, allows the following person/s to take part in the meeting by teleconferencing:

- **Simbarashe Chimpaka, Executive Manager Finance (EMF)**
- **Philip Keirle, Executive Manager Strategic Projects (EMSP)**

Moved: Cr Camp
Seconded: Cr Murray

Carried 200326.01 5/0

Attendance

Cr Clarke left the meeting from 9.57am to 10.00am.

Cr Poole left the meeting from 9.58am to 9.59am.

03. Executive Management Reports

03.01 Budget Revision

DEPARTMENT:	Finance
RESPONSIBLE OFFICER:	Simba Chimpaka; Executive Manager Finance
DATE REPORT PREPARED:	12 March 2020
LINK TO COUNCIL PLAN/S:	Operational Plan Budget

1. PURPOSE

The Budget outlines the financial and resource implications of Council's projected capital and operational expenditure in 2019-2020 in accordance with the Local Government Regulation 2012.

This report presents the revised budgeted position of Council including requested budget amendments for 2019/20. This report also presents the revised Long Term Financial Forecast.

In accordance with the *Local Government Regulation 2012 Section 169*, attached to this report is the

Revised 2019/20 Operating Statement,
Revised 2019/20 Statement of Cash Flows,
Revised 2019/20 Statement of Financial Position,
Revised 2019/20 Statement of Changes in Equity,
Revised Long term Financial Forecast

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Council adopted the budget for the 2019-20 financial year on the 24th of July 2019. Council's actual year to date revenue and expenditure is reviewed on a monthly basis, significant variances between year to date financial performance and budget estimates are investigated and reported.

Section 170 (3) of the Local Government Regulation 2012 provides that a Local Government may by resolution amend the budget for the financial year at anytime before the end of the financial year. Year to date financial performance has been assessed against original budget estimates and the original budget has been amended accordingly. This report presents the proposed amended budget.

Council does not intend to revise the revenue statement and the revenue policy for the 2019/20 financial year.

3. PROPOSAL

That Council acknowledges and endorses revised changes to the 2019/20 Budget and Long Term Financial forecast.

4. FINANCIAL & RESOURCE IMPLICATIONS

This recommendation requires changes to the current year budget as well as the projected Long-Term Forecast.

5. POLICY & LEGAL IMPLICATIONS

Compliance with the *Local Government Act 2009* and *Local Government Regulation 2012*

Section 170 of the *Local Government Regulation 2012*

Adoption and amendment of budget

(1) A local government must adopt its budget for a financial year-

- (a) after 31 May in the year before the financial year; but
- (b) before—
 - (i) 1 August in the financial year; or
 - (ii) a later day decided by the Minister.

(2) If the budget does not comply with section 169 when it is adopted, the adoption of the budget is of no effect.

Council adopted the original budget for the 2019-20 financial year on the 24th of July 2019.

Section 169 of the *Local Government Regulation 2012*

Preparation and content of budget

(1) A local government's budget for each financial year must—

- (a) be prepared on an accrual basis; and
- (b) include statements of the following for the financial year for which it is prepared and the next 2 financial years—
 - (i) financial position;
 - (ii) cash flow;
 - (iii) income and expenditure;
 - (iv) changes in equity.

(2) The budget must also include—

- (a) a long-term financial forecast; and
- (b) a revenue statement; and
- (c) a revenue policy.

(3) The statement of income and expenditure must state each of the following—

- (a) rates and utility charges excluding discounts and rebates;
- (b) contributions from developers;
- (c) fees and charges;
- (d) interest;
- (e) grants and subsidies;
- (f) depreciation;
- (g) finance costs;
- (h) net result;
- (i) the estimated costs of—

- (i) the local government's significant business activities carried on using a full cost pricing basis; and
 - (ii) the activities of the local government's commercial business units; and
 - (iii) the local government's significant business activities.
- (4) The budget must include each of the relevant measures of financial sustainability for the financial year for which it is prepared and the next 9 financial years.
- (5) The relevant measures of financial sustainability are the following measures as described in the financial management (sustainability) guideline—
- (a) asset sustainability ratio;
 - (b) net financial liabilities ratio;
 - (c) operating surplus ratio.
- (6) The budget must include the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget.
- (7) For calculating the rates and utility charges levied for a financial year, any discounts and rebates must be excluded.
- (8) The budget must be consistent with the following documents of the local government—
- (a) its 5-year corporate plan;
 - (b) its annual operational plan.

Section 171 of the *Local Government Regulation 2012*

Long-term financial forecast

- (1) A local government's long-term financial forecast is a forecast, covering a period of at least 10 years, of the following for each year during the period of the forecast—
- (a) income of the local government;
 - (b) expenditure of the local government;
 - (c) the value of assets, liabilities and equity of the local government.
- (2) The local government must—
- (a) consider its long-term financial forecast before planning new borrowings; and
 - (b) review its long-term financial forecast annually.

6. CRITICAL DATES & IMPLICATIONS

Section 170 (3) of the *Local Government Regulation 2012* defines Council's ability to amend its budget:

The local government may, by resolution, amend the budget for a financial year at any time before the end of the financial year.

7. CONSULTATION

Consultation has taken place between Councillors and Senior Management, within Senior Management, between Senior Management and Supervisors, between Senior Management and key stakeholders.

8. OFFICER'S RECOMMENDATION**Adoption of Amended Budget and associated documents****1. That Council:**

- (a) Resolves, pursuant to section 205 of the *Local Government Regulation 2012*, that the statement of the financial operations and financial position of the Council in respect of the previous financial year ("the Statement of Estimated Financial Position") be received and its contents noted.
- (b) Adopt, pursuant to sections 160 and 170 of the *Local Government Regulation 2012* Council's Amended Budget for the 2019/2020 financial year, incorporating:
 - a. The statements of financial position;
 - b. The statements of cash flow;
 - c. The statements of income and expenditure;
 - d. The statements of changes in equity;
 - e. The long-term financial forecast;
 - f. The relevant measures of financial sustainability; and
 - g. The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget, as tabled.

03.01 Budget Revision**Adoption of Amended Budget and associated documents****1. That Council:**

- (a) Resolves, pursuant to section 205 of the *Local Government Regulation 2012*, that the statement of the financial operations and financial position of the Council in respect of the previous financial year ("the Statement of Estimated Financial Position") be received and its contents noted.
- (b) Adopt, pursuant to sections 160 and 170 of the *Local Government Regulation 2012* Council's Amended Budget for the 2019/2020 financial year, incorporating:
 - a. The statements of financial position;
 - b. The statements of cash flow;
 - c. The statements of income and expenditure;
 - d. The statements of changes in equity;
 - e. The long-term financial forecast;
 - f. The relevant measures of financial sustainability; and
 - g. The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget, as tabled.

Moved: Cr Poole**Seconded: Cr Yanner****Carried 200326.02 5/0**

Declaration: Material Personal Interest

Cr Murray declared a material personal interest in item 03.02 and left the meeting at 10.03am.

"I declare that I have a material personal interest in this matter (as defined by Local Government Act 2009, section 175B) as follows*:-

- (i) The applicant is a relative and stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter

I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on."

03.02 Material Change of Use - Lot 1 B13610

DEPARTMENT:	Office of the Chief Executive Officer
RESPONSIBLE OFFICER:	Clare Keenan; CEO
PREPARED BY:	Liz Taylor; Consultant Town Planner
DATE REPORT PREPARED:	2 March 2020
LINK TO COUNCIL PLAN/S:	Planning Scheme

APPLICANT: K & G Booth Pty Ltd
Anthony Street
Burketown QLD 4830

APPLICATION: Material Change of Use – Industry (Storage and Maintenance Shed)

ADDRESS: Corner Anthony Street and Burke Streets, Burketown, being, Lot 1 B13610

ZONE: Town Zone, Preferred Use Area – Residential

APPENDIX: Appendix 1 Site Layout Plan and Elevation Plan

1. INTRODUCTION

In January 2020, an Application for Material Change of Use (MCU) Industry (Storage and Maintenance Shed) was lodged with Council. The Application is Code Assessable under the previous Planning Scheme 2013.

The Application is reported to Council, recommended for approval, subject to reasonable and relevant conditions.

2. SITE AND LOCALITY

The site is located in the township of Burketown and is currently vacant but is owned by the adjacent landowner who resides next door and is used for access and storage associated with the adjoining residential lot, as can be seen from the Aerial Site Plan below.

The site has an area of 1012m² and a frontage to Anthony Street of 20 metres and a frontage to Burke Street of 50 metres, it is generally level and devoid of significant vegetation.

The site is within the Serviced Area of the town and can be connected to Council's reticulated water and sewerage schemes and electricity and telecommunications are also available to the site. Vehicular and pedestrian access is readily available from both street frontages.



SITE PLAN

3. PROPOSED DEVELOPMENT

It is proposed to establish a large Shed on the site with an area of 225m² for the maintenance and storage of vehicles (including heavy vehicles) associated with the landowner's earthmoving and cattle station enterprises. The proposed Shed is approximately 6.5 metres in height.

It is proposed to site the Shed 6.0 metres from the Anthony Street site frontage, 1.5 metres from the Burke Street frontage and 4.25 metres from the common side boundary with the adjoining land, owned by the Applicant.

Vehicular access is proposed to/from the Shed from Anthony Street via a 3.0 metre wide driveway, with another entry/exit towards the rear boundary of the site to the north, to/from Burke Street.

The Shed will have two (2) roller doors fronting Anthony Street, one (1) roller door to the rear of the Shed and a doorway entry to the west and no openings to the eastern façade, fronting Burke Street.

Copies of the Site Layout Plan and Elevation Plan are attached at Appendix 1.

4. TOWN PLANNING ASSESSMENT

The proposed development requires assessment against the Burke Shire Planning Scheme 2013.

Burke Shire Planning Scheme 2013

Under the Burke Shire Planning Scheme the site is included in the Town Zone - Preferred Use Area - Residential.

The proposed development falls under the land use definition of Industry, which states:

"Industry"

Industry means the use of premises for making, assembling, breaking up, servicing, storage or repairing goods, or treating wastes if at a scale and of a nature not included in Business.

The term includes the use of premises for the following –

- a) contractors yard;*
- b) mechanical repair garage, including panel beating;*
- c) salvage yard;*
- d) storage yard;*
- e) toxic or dangerous goods store;*
- f) transport depot;*
- g) warehouse.*

Industry is Code Assessable development on land in the Town Zone. This means that the Council must approve the application subject to reasonable and relevant conditions.

The Application is Code Assessable against the following Codes:

- Town Zone Code; and
- Planning Scheme Building Matters Code.

An assessment of the proposed development, against these two (2) Codes is outlined below.

Town Zone Code

The Town Zone Code seeks to ensure all development contributes to Burketown and Gregory being well serviced, attractive towns which are pleasant and safe places to work, live and visit and that new uses are designed and managed to maintain the prevailing amenity and to maintain the safety of people and works.

The Overall Outcomes sought for the Town Zone in Section 4.6 of the Planning Scheme, are:

- (a) Burketown and Gregory are well-serviced, attractive towns providing a pleasant and safe place to live, work and visit;*
- (b) Burketown and Gregory are each a focus for a range of business, industrial, tourist, community and recreational activity in the local government area;*
- (c) Burketown's role as the main business and community centre is consolidated;*
- (d) there is a recognisable focus for business and community activity in each town;*
- (e) Burketown and Gregory provide a range of housing types, including a second house on a lot, temporary housing and multiple dwellings;*
- (f) uses are consolidated in areas provided with infrastructure, and uses and works are located and designed to maximise the efficient extension and safe operation of infrastructure;*
- (g) uses and works are located, designed and managed to—*
 - (i) be compatible with other uses and works; and*
 - (ii) maintain the safety of people and works; and*
 - (iii) maintain the prevailing amenity; and*
 - (iv) avoid significant adverse effects on the natural and cultural heritage values of the environment.*

The proposed development of a large Shed, associated with an adjacent residence, is compliant with a number but not all of the Overall Outcomes sought for the Town Zone.

Section 4.7 of the Town Zone Code specifies Consistent Uses and Preferred Use Areas (PUA). The site is located in the Residential PUA.

The preferred uses encouraged to locate in the Residential PUA are Home business, Other Residential, Secondary Residential, Single Residential and Temporary Residential land uses, being residential uses defined in the Planning Scheme.

Industrial land uses are not contemplated in the Residential PUA or on any land in the Town Zone in Burketown. Instead, industrial development is expected to establish on land in the Industry Zone, which under the 2013 Planning Scheme, is located on land to the north of the airport at Burketown.

Section 4.8 of the Planning Scheme specifies Inconsistent Uses in the Town Zone and an Industry is deemed to be an inconsistent use in the Town Zone in Burketown because there is no land designated as an Industry PUA.

Section 4.9 of the Planning Scheme specifies that uses requiring a water supply and sewerage are located in the Serviced Area of the town. The site of the proposed large Shed is in the Serviced Area and can connect to the reticulated water and sewerage services.

Section 4.10 of the Planning Scheme seeks to achieve the following outcomes for development:

Non-residential uses and amenity

- (a) *non-residential uses are located, designed and operated to avoid significant adverse changes to the light, noise, dust, odours, traffic conditions or other physical conditions experienced by occupants of—*
 - (i) *associated, adjoining or nearby residential uses; or*
 - (ii) *other types of non-residential uses; and*

Residential density

- (b) *residential uses have a density compatible with local amenity; and*

Operation of infrastructure

- (c) *uses are of a type and scale that maintain the standard of service identified in schedule 1, part 1; and*
- (d) *the safe and efficient operation of roads are maintained having regard to—*
 - (i) *the nature of vehicles using the road; and*
 - (ii) *the location of uses that may be adversely affected by noise or dust generated from use of the road; and*
- (e) *uses are located and designed to avoid significant adverse effects on safe aircraft operations due to—*
 - (i) *physical intrusions; or*
 - (ii) *reduced visibility; or*
 - (iii) *collisions with birds; or*
 - (iv) *electromagnetic interference with aircraft navigation systems; or*
 - (v) *other functional problems for aircraft (including artificial lighting hazards); and*

Pollution

(f) uses are located and designed to avoid significantly polluting the air, water or soil; and

Use of existing buildings

(g) existing buildings and other structures that are vacant or have spare capacity are used for appropriate new or additional uses.

Aircraft operations

(c) for subsection (1)(e)(i)—the maximum height for the carrying out of an activity is 8.5 m.

The proposed development generally complies with these requirements, where relevant.

Section 4.11 of the Planning Scheme seeks to achieve the following outcomes for development:

Scale and design of works

(a) buildings and other works are consistent with the scale and design of existing buildings and other works in the town where they occur, and do not intrude into aircraft operational areas; and

Siting and provision of works

(b) buildings and other works are sited and provided on premises having regard to the safety of people using the premises and the adjoining premises, the amenity enjoyed by those people, and the maintenance of buildings and works, including appropriate provision for each of the following—

(i) access to natural light and ventilation;

(ii) privacy;

(iii) noise attenuation;

(iv) dust reduction;

(v) landscaping;

(vi) outlook;

(vii) off-street parking; and

(c) buildings and other works are sited and provided on premises having regard to the effects on the natural and cultural heritage values of the environment, including loss of natural vegetation, land degradation, water pollution; and

Provision and design of water supply, sewerage and roads

(d) water supply, sewerage and roads are provided to—

(i) meet appropriate standards at the least whole-of-life cost, including avoiding unnecessary duplication; and

(ii) be robust and fit for the purpose and intended period of operation; and

(iii) be easily maintained without unnecessarily requiring specialist expertise or equipment; and

(iv) be comprised of components and materials that are as readily accessible and available as practicable; and

(v) be readily integrated with existing systems and facilitate the orderly provision of future systems; and

Design of roads

- (e) *the safe and efficient operation of roads are maintained having regard to—*
 - (i) *the location and design of access points; and*
 - (ii) *the design of stormwater drainage.*

Scale of works

- (a) *for subsection (1)(a)—the maximum height of a building, structure or object is 8.5 m;*

Provision and design of water supply, sewerage and roads

- (c) *for subsection (1) (d) —water supply, sewerage and roads are constructed to standards stated in schedule 1, part 2.*

The proposed development generally complies with these requirements, where relevant, with the exception of clauses (a) and (b) above.

Building Matters Code

Section 6.18 of the Planning Scheme sets out the following Acceptable Solutions, which comprise the Planning Scheme Building Matters Code—

Scale of works

- (a) *the maximum height of a building, structure or object is 8.5 metres;*

Siting of works

- (b) *if new building work associated with Single residential, Secondary residential, Other residential, or Home business—boundary clearances comply with schedule 3;*
- (c) *if other new building work—for each boundary, the clearance is the same or greater than the least existing clearance from that boundary.*

The proposed development is considered to be generally compliant with the Building Matters Code except for clause (c) above.

5. REFERRAL AGENCIES

There were no referral agencies for the Application.

6. CONSIDERATION

Unfortunately the 2013 Planning Scheme is inconsistent and complicates the assessment of this Application due to the fact that there is no land designated for industrial development within the Town Zone of Burketown and yet Industry is a code assessable land use in the Town Zone, which means it must be approved if Council can condition an approval to comply with the Planning Scheme.

Therefore a pragmatic view has been taken that notwithstanding direct conflicts with the zoning/PUA inconsistencies in the Planning Scheme, provided conditions can be imposed to ensure the large Shed achieves the objectives for development in the Town Zone, approval can be granted, as required under the Planning Act 2016.

Standard setbacks for a building on a corner site are 6.0 metres from each street frontage and a 2.0 metre setback or, in some instances, for industrial development a zero setback from the side boundary.

The Shed has a 6.0 metre setback from Anthony Street, which complies.

However, the Shed has a 1.5 metre setback from the Burke Street site frontage and a 4.25 metre setback from the common side boundary with the adjoining land, owned by the Applicant. This does not comply and is contrary to the Planning Scheme Sections reproduced below:

Section 4.11 (a) and (b)

Scale and design of works

- (a) *buildings and other works are consistent with the scale and design of existing buildings and other works in the town where they occur, and do not intrude into aircraft operational areas; and*

Siting and provision of works

- (b) *buildings and other works are sited and provided on premises having regard to the safety of people using the premises and the adjoining premises, the amenity enjoyed by those people, and the maintenance of buildings and works, including appropriate provision for each of the following—*
- (i) *access to natural light and ventilation;*
 - (ii) *privacy;*
 - (iii) *noise attenuation;*
 - (iv) *dust reduction;*
 - (v) *landscaping;*
 - (vi) *outlook;*
 - (vii) *off-street parking.*

AND

Section 6.18 (c)

Siting of works

- (c) *if other new building work—for each boundary, the clearance is the same or greater than the least existing clearance from that boundary.*

The proposed large Shed will present a blank façade for a distance of 15.0 metres along the Burke Street site frontage (that is 30% of the length of the site frontage) in close proximity to the common boundary between the lot and the road reserve. This will result in this large Shed, which has no openings along the Burke Street elevation, presenting as a large bulky industrial Shed with no amenity, being visually prominent at this corner location, which will detrimentally impact on the amenity of the local area, particularly as it is proposed to be located in a residential area of the town.

To overcome these conflicts, it is proposed to impose a condition on the approval, giving the Applicant two (2) options to re-site the Shed to improve the amenity of the local area and the streetscape:

Option 1 – re-site the Shed so it has a zero side boundary setback with the adjacent lot, owned by the Applicant, thereby providing a setback to Burke Street of 5.75 metres; and plant on site 4 advance native trees with a minimum height of 2.0 metres that will grow to a maximum height of over 6.50 metres, at a minimum spacing of 4.0 metres, along Burke Street in front of the blank façade of the eastern elevation of the Shed.

OR

Option 2 – re-site the Shed to provide a set back of 2.0 metres to the common side boundary with the adjoining lot and a 3.75 metre setback to the Burke Street site frontage and plant on site 8 advance native trees with a minimum height of 2.0 metres that will grow to a maximum height of over 6.50 metres, at a minimum spacing of 2.0 metres, along Burke Street in front of the blank façade of the eastern elevation of the Shed.

The re-siting of the Shed, as proposed, will not impact on the utility and/or usability of the Shed and access to and manoeuvrability to and from the Shed on the site but it will significantly improve the amenity of the site and the local area and the streetscape in front of this large Shed.

Four (4) on-site car parking spaces are shown on the submitted Site Layout Plan and are required to be provided at the time of development. The four (4) spaces can be designated on site by the use of compacted gravel, coppers logs, line-marking, or similar, a condition will be imposed accordingly.

Given that the site is located in the Residential PUA any maintenance and servicing of vehicles should be controlled, in addition to the storage of any on-site fuels and chemicals, associated with the maintenance and servicing carried out on site, a condition will be imposed accordingly.

7. STATEMENT OF REASONS

The proposed development is recommended for approval, as it meets a number of the board objectives for development in the Town Zone for Burketown and can be conditioned to generally comply with the siting and amenity provisions for development in the Town Zone , where there are currently non-compliance issues.

8. CONCLUSION

The proposed development is recommended for approval, subject to reasonable and relevant conditions.

9. RECOMMENDATION

That the Council resolve:

In accordance with the Planning Act 2016 as amended, the applicant be notified that the application for a Development Permit for Material Change of Use for Industry (Shed for Storage and Maintenance) located at the corner of Anthony Street and Burke Street, Burketown, being Lot 1 on B13610, is approved subject to the conditions detailed below.

A. ASSESSMENT MANAGER CONDITIONS (COUNCIL)

General

1. The development shall be undertaken substantially in accordance with the submitted Plans, except as modified by this approval, to the satisfaction of the Chief Executive Officer.
2. The building is required to be re-sited as follows:

Re-site the Shed to provide a setback of 2.0 metres to the common side boundary with the adjoining lot, owned by the Applicant and a 3.75 metre setback to Burke Street and plant on-site 8 advanced native trees with a minimum height of 2.0 metres that will grow to a maximum height over 6.50 metres, at a minimum spacing of 2.0 metres along Burke Street, in front of the blank façade of the eastern elevation of the Shed, to the satisfaction of the Chief Executive Officer;.

The trees are to be planted prior to commencement of the use, to the satisfaction of the Chief Executive Officer.

3. Any future building work on the site shall be carried out in accordance with the Building Code of Australia any relevant Council's requirements, to the satisfaction of the Chief Executive Officer.
4. This development approval lapses six (6) years after the day that the development approval takes effect, unless extended under the Planning Act 2016.

Urban Services

5. Any re-profiling of the site to accommodate the new building shall ensure stormwater and runoff from the site is drained to a lawful point of discharge. Site drainage must not concentrate flow/s on any abutting properties or the roadway, nor create ground erosion problems on abutting properties or the roadway, to the satisfaction of the Chief Executive Officer.
6. Should any of the Council's assets be damaged during the construction of any new buildings or infrastructure or associated works the cost of reinstatement of all such assets shall be met by the Applicant/Proponent and to the satisfaction of the Chief Executive Officer.

Maintenance of the Site

7. The applicant shall ensure the site is maintained in a clean and tidy condition at all times, to the satisfaction of the Chief Executive Officer.

Access and Car Parking

8. Four (4) car parking spaces are to be provided on site in association with a driveway providing vehicular circulation on site, as follows:
 - The access driveway is required to be graded and profiled to be free-draining and constructed of gravel to a depth of 50mm, to aid dust suppression.
 - The four (4) car parking spaces are required to be constructed of compacted gravel and line marked or designated by using coppers logs or similar; and

provided prior to commencement of the use, to the satisfaction of the Chief Executive Officer.

On- Street Works

9. A sealed crossover and apron connecting to the bitumen seal and the boundary of the site is to be provided for the driveway access on Anthony Street and the driveway access on Burke Street.

All on-street and onsite works are to be provided prior to commencement of the use and to the satisfactions of the Chief Executive Officer.

Servicing and Vehicle Maintenance

10. Servicing and maintenance works on any vehicle is limited to cleaning, degreasing, light servicing and tyre rotation, with a designated washdown area and separation unit provided, with disposal of all waste stored on site undertaken by an accredited contractor, to the satisfaction of the Chief Executive Officer.

Fuel and Chemical Storage

11. No fuel or chemical storage is permitted outside the building and any fuel or chemicals stored within the building must not exceed a total of 1,000 litres and must be kept in a sealed, bunded area with a storage capacity of at least 150% of the total storage capacity of all fuel/chemical storage tanks/containers, to the satisfaction of the Chief Executive Officer.

03.02 Material Change of Use - Lot 1 B13610

That the Council resolve:

In accordance with the Planning Act 2016 as amended, the applicant be notified that the application for a Development Permit for Material Change of Use for Industry (Shed for Storage and Maintenance) located at the corner of Anthony Street and Burke Street, Burketown, being Lot 1 on B13610, is approved subject to the conditions detailed below.

A. ASSESSMENT MANAGER CONDITIONS (COUNCIL)**General**

1. The development shall be undertaken substantially in accordance with the submitted Plans, except as modified by this approval, to the satisfaction of the Chief Executive Officer.
2. The building is required to be re-sited as follows:

Re-site the Shed to provide a setback of 2.0 metres to the common side boundary with the adjoining lot, owned by the Applicant and a 3.75 metre setback to Burke Street and plant on-site 8 advanced native trees with a minimum height of 2.0 metres that will grow to a maximum height over 6.50 metres, at a minimum spacing of 2.0 metres along Burke Street, in front of the blank façade of the eastern elevation of the Shed, to the satisfaction of the Chief Executive Officer;.

The trees are to be planted prior to commencement of the use, to the satisfaction of the Chief Executive Officer.
3. Any future building work on the site shall be carried out in accordance with the Building Code of Australia any relevant Council requirements, to the satisfaction of the Chief Executive Officer.
4. This development approval lapses six (6) years after the day that the development approval takes effect, unless extended under the Planning Act 2016.

Urban Services

5. Any re-profiling of the site to accommodate the new building shall ensure stormwater and runoff from the site is drained to a lawful point of discharge. Site drainage must not concentrate flow/s on any abutting properties or the roadway, nor create ground erosion problems on abutting properties or the roadway, to the satisfaction of the Chief Executive Officer.
6. Should any of the Council's assets be damaged during the construction of any new buildings or infrastructure or associated works the cost of reinstatement of all such assets shall be met by the Applicant/Proponent and to the satisfaction of the Chief Executive Officer.

Maintenance of the Site

7. The applicant shall ensure the site is maintained in a clean and tidy condition at all times, to the satisfaction of the Chief Executive Officer.

Access and Car Parking

8. Four (4) car parking spaces are to be provided on site in association with a driveway providing vehicular circulation on site, as follows:
 - The access driveway is required to be graded and profiled to be free-draining and

constructed of gravel to a depth of 50mm, to aid dust suppression.

- The four (4) car parking spaces are required to be constructed of compacted gravel and line marked or designated by using coppers logs or similar; and
- provided prior to commencement of the use, to the satisfaction of the Chief Executive Officer.

On- Street Works

9. A sealed crossover and apron connecting to the bitumen seal and the boundary of the site is to be provided for the driveway access on Anthony Street and the driveway access on Burke Street.

All on-street and onsite works are to be provided prior to commencement of the use and to the satisfactions of the Chief Executive Officer.

Servicing and Vehicle Maintenance

10. Servicing and maintenance works on any vehicle is limited to cleaning, degreasing, light servicing and tyre rotation, with a designated washdown area and separation unit provided, with disposal of all waste stored on site undertaken by an accredited contractor, to the satisfaction of the Chief Executive Officer.

Fuel and Chemical Storage

11. No fuel or chemical storage is permitted outside the building and any fuel or chemicals stored within the building must not exceed a total of 1,000 litres and must be kept in a sealed, bunded area with a storage capacity of at least 150% of the total storage capacity of all fuel/chemical storage tanks/containers, to the satisfaction of the Chief Executive Officer.

Moved: Cr Poole

Seconded: Cr Camp

Carried 200326.03 4/0

Attendance

Cr Murray entered the meeting at 10.12am.

04. Closed Session Reports

No closed session reports were received.

05. Closure of meeting

The Chair declared the meeting closed at 10.13am.

I hereby certify that these pages numbered 1 to 17 – constitute the Confirmed minutes of the Special Council Meeting of Burke Shire Council held on Thursday 26 March 2020.

Mayor Cr Ernie Camp