



**MINUTES OF THE GENERAL MEETING OF
BLACKALL-TAMBO REGIONAL COUNCIL
HELD AT THE BLACKALL COUNCIL CHAMBERS
ON WEDNESDAY 19 AUGUST 2020
COMMENCING AT 8.30AM**

PRESENT:

Councillors: Cr AL Martin (Mayor), Cr LP Russell (Deputy Mayor), Cr BP Johnstone, Cr PJ Pullos, Cr JH Scobie, Cr DA Hardie, Cr GK Schluter.

OFFICERS:

Mr Des Howard, Chief Executive Officer, Mr Alastair Rutherford, Director of Finance Corporate and Community Services, Mrs Andrea Saunders, Executive Assistant.

CONDOLENCES:

A minute's silence was observed to mark the passing of:

Lorna Kupfer
Nigel MacDonald

DECLARATIONS OF INTEREST:

Cr DA Hardie - Item 5.7 – “I declare that I have a conflict of interest in the Barcoo River Camp (as defined in the *Local Government Act* 2009) as I am the selling agent for the Blackall Caravan Park. I have determined that this conflict of interest is of significance that it could lead me to make a decision on the matter. I will be dealing with this conflict of interest by leaving while this matter is debated and voted on.

1.1 Confirmation of General Meeting Minutes

MOTION: Moved: Cr PJ Pullos Seconded: Cr LP Russell

“That the minutes of the General Meeting held on 15 July 2020 be taken as read and confirmed, and that the Mayor be authorised to sign same.”

Minute No. 01/08A/20

Carried 7/0

4.1.1 Financial Report for the Month of June

The Finance Report for June 2020 was presented to Council

MOTION: **Moved: Cr GK Schluter** **Seconded: Cr DA Hardie**

“That Council receive the financial report for June 2020.”

Minute No. 02/08A/20

Carried 7/0

4.1.2 Financial Report for the Month of July

The Finance Report for July 2020 was presented to Council

MOTION: **Moved: Cr JH Scobie** **Seconded: Cr BP Johnstone**

“That Council receive the financial report for July 2020.”

Minute No. 03/08A/20

Carried 7/0

4.1.3 DFCCS Operations Report – July 2020

The Director of Finance Corporate and Community Services operations report for July 2020 is presented to Council. The report includes housing and administration, 60s and Better, youth program, community development program, Blackall aerodrome, libraries, visitor information centres, facility bookings, Tambo Multipurpose and Tambo Child Care Centre.

MOTION: **Moved: Cr GK Schluter** **Seconded: Cr PJ Pullos**

“That Council receive the DFCCS Operations Report for July 2020 and note that visitor numbers are starting to increase.”

Minute No. 04/08A/20

Carried 7/0

4.1.4 Arts and Cultural Report – July 2020

The Arts and Cultural Report is provided to Council. The report addresses tourism, the Grassland Gallery, and funded projects.

MOTION: **Moved: Cr BP Johnstone** **Seconded: Cr DA Hardie**

“That Council receive the Arts and Cultural Report for July 2020 and note that the draft Corporate Plan will be completed in September.”

Minute No. 05/08A/20

Carried 7/0

At this point, 9.03am Cr Pullos left the meeting.

4.1.5 Environmental Health Officer's Report

The Environmental Health Officer's report is provided to Council. The Environmental Health Officer addressed enquiries with food premises and environmental management.

MOTION: **Moved: Cr LP Russell**

Seconded: Cr JH Scobie

"That Council receive the Environmental Health Officer's report and note that two applications were received for food business licences."

Minute No. 06/08A/20

Carried 6/0

At this point, 9.04am the Director of Works Services entered the meeting.

At this point, 9.06am Cr Pullos returned to the meeting.

4.2.1 Director of Works and Services Operations Report – July 2020

The Director of Works and Services report for July is provided to Council.

MOTION: **Moved: Cr BP Johnstone**

Seconded: Cr LP Russell

"That Council receive the Director of Works and Services' Operation Report for July 2020 and note that maintenance has been occurring at the 4 Mile Road to the water hole. "

Minute No. 07/08A/20

Carried 7/0

4.2.2 Work Health and Safety Report

The Work Health and Safety Report has been provided to Council. There was 4 incidents reported for the period with no department reportable incidents.

MOTION: **Moved: Cr PJ Pullos**

Seconded: Cr GK Schluter

"That Council receive the Work Health and Safety Report for July 2020 and note that there was a total of 17 inductions for the month."

Minute No. 08/08A/20

Carried 7/0

5.1 Blackall Saleyards Monthly Report

The Blackall Saleyards monthly report for July 2020.

MOTION: **Moved: Cr JH Scobie** **Seconded: Cr DA Hardie**

“That Council receive the Blackall Saleyards monthly report for July 2020 and note that Council staff is still assisting with social distancing on sale days.”

Minute No. 09/08A/20

Carried 7/0

5.2 Planning and Development Report

The Planning and Development Report is presented to Council.

MOTION: **Moved: Cr PJ Pullos** **Seconded: Cr GK Schluter**

“That Council receive the planning and development report for July 2020 and note that there were three development applications approved for July, one development application and five planning enquiries received for the month.

Minute No. 10/08A/20

Carried 7/0

At this point 9.22am, Cr Martin left the meeting and the Deputy Mayor assumed the chair.

At this point 9.23am the Mayor returned to the meeting and resumed the chair.

5.3 Delegations – Council to CEO

The Delegations Register, Council to CEO has been updated by King & Co and the updated register is available on the LG Online portal. There are 2 new registers and 4 registers with significant changes.

MOTION: **Moved: Cr JH Scobie** **Seconded: Cr DA Hardie**

“That Council delegated all powers in the Acts and Regulations as per the table, to the Chief Executive Officer of Council pursuant to Section 257 of the *Local Government Act 2009*. Where a matter may be contentious, controversial or otherwise warrants consideration by Council, the CEO shall not act or exercise any delegated power or function to that matter.

New Register	Biosecurity Regulation	Sections 94G(1), 94(G)4
New Register	Residential Tenancies and Rooming Accommodation	Sections 11(2), 11(5), 12(2), 12(3), 13(1), 23(2), 25(3), 30(2), 35, 36, 39,

	(COVID-19 Emergency Response) Regulation 2020	49(2), 49(5), 50(2), 50(3), 51(1), 61(2), 63(3), 68(2), 71(1), 73(1), 83(2), 85(2)
Changes of Substance	Environmental Protection Act 1994	Sections 547C(1), 547C(2)
Changes of Substance	Heavy Vehicle National Law (Qld)	Sections 529AA, 529A(1), 529A(3), 641(6)(b)
Changes of Substance	Local Government Act 2009	Section 16
Changes of Substance	Local Government Regulation 2012	Sections 201B(4), 202A(2), 236, 277D(5)

Minute No. 11/08A/20

Carried 7/0

At this point, 9.25am, Mark Taylor, Queensland Opera Representative entered the meeting and addressed Council regarding a program to bring an opera tour to outback Queensland. Mark Taylor left the meeting at 9.48am.

5.4 Valuer General – Annual Valuation

The *Land Valuation Act 2010* requires the Valuer-General to undertake an annual statutory valuation of all rateable land in Queensland.

MOTION: Moved: Cr LP Russell

Seconded: Cr PJ Pullos

“That Council request that the Valuer-General undertake an annual valuation to be effective on 30 June 2021.”

Minute No. 12/08A/20

Carried 7/0

At this point 9.52am James La Spina a medical student entered the meeting to discuss a research point regarding “On Farm Injuries” with Council.

At this point 10.04am Cr Pullos left the meeting.

Adjournment

At 10.05am the meeting was adjourned for morning tea.

Resumption

At 10.27am the meeting was resumed.

Cr Pullos was present at the meeting upon resumption.

The Director of Finance Corporate and Community Services was not present at the resumption of the meeting.

5.5 Western Alliance of Councils

The Western Alliance of Councils is a collaboration between the three regional organisations of councils in Western Queensland – North West Regional Organisation of Council, Remote Area Planning and Development Board and South West Local Government Association, representing 21 Councils across the north west, central west and south west of Queensland.

MOTION: **Moved: Cr LP Russell** **Seconded: Cr DA Hardie**

“That Council endorse the Draft Memorandum of Agreement as presented at the Western Queensland Alliance of Councils Inaugural Assembly.”

Minute No. 13/08A/20

Carried 7/0

At this point, 10.30am the Director of Finance Corporate and Community Services returned to the meeting.

5.6 Local Disaster Management Group Pandemic Sub-Plan

The Disaster Management Support Officer for the District Disaster Management Group has provided an updated COVID-19 Central West Hospital and Health Service Response Plan which contains additional tiers, as a result the Blackall-Tambo Local Disaster Management Group Pandemic Sub-Plan required updating.

MOTION: **Moved: Cr PJ Pullos** **Seconded: Cr JH Scobie**

“That Council adopt the revised Blackall-Tambo Regional Council Disaster Management Group Pandemic Sub-Plan.”

Minute No. 14/08A/20

Carried 7/0

At this point 10.35am, Cr Hardie left the meeting.

5.7 Barcoo River Camp

Council has received correspondence from the owner of the Blackall Caravan Park expressing concerns on the number of vans using the Barcoo River Camp.

MOTION: **Moved: Cr LP Russell** **Seconded: Cr GK Schluter**

“That Council continue with the current arrangements with the Blackall Caravan Park.”

Minute No. 15/08A/20

Carried 6/0

At this point 10.40am Cr Hardie returned to the meeting.

5.8 2020-2021 Regional Arts Development Fund

Council has been approved for \$49,500 in funding towards the delivery of the 2020-2021 RADF program.

MOTION: **Moved: Cr GK Schluter** **Seconded: Cr JH Scobie**

“That Council receive the letter from the Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts approving \$49,500 of funding for the Blackall-Tambo Regional Council’s 2020-2021 Regional Arts Development Fund program.”

Minute No. 16/08A/20

Carried 7/0

5.9 Lease of Aerodrome Paddock B

Council recently advertised for the lease of Aerodrome Paddock B in Blackall. Three responses were received.

MOTION: **Moved: Cr LP Russell** **Seconded: Cr DA Hardie**

“That Council award the lease to the highest offer.”

Minute No. 17/08A/20

Carried 7/0

5.10 Central West Resilience Strategy & Action Plan

At the RAPAD meeting held in Barcaldine, 3 to 5 August, the Central West Resilience Strategy & Action Plan was presented.

MOTION: **Moved: Cr LP Russell** **Seconded: Cr PJ Pullos**

“That Council endorse the Central West Resilience Strategy and Action Plan.”

Minute No. 18/08A/20

Carried 7/0

5.11 Defibrillator – Tambo Pool

Council has recently received a request to have a defibrillator installed at the Tambo Pool.

MOTION: **Moved: Cr PJ Pullos**

Seconded: Cr JH Scobie

“That the matter be held over to allow for clarification regarding insurance, cost of the equipment and ongoing maintenance of the equipment.”

Minute No. 19/08A/20

Carried 7/0

5.12 Tambo Truck Heritage Museum

Council has received funding from Round 5 of the Building our Regions for the Tambo Truck Museum. Council has been successful in obtaining \$454,900 (ex GST) with a co-contribution from Council for \$50,000 (ex GST).

MOTION: **Moved: Cr LP Russell**

Seconded: Cr BP Johnstone

“That Council:

- 1. Commit \$50,000 ex GST to the Tambo Trucking Heritage Building;**
- 2. Commits to delivering the project; and**
- 3. Acknowledges responsibility for any funding shortfall of cost or other contributors change.”**

Minute No. 20/08A/20

Carried 7/0

5.13 Development Application – DA 04-2020-2021 – 7 Mulberry Street Blackall

The Applicant seeks a Development Permit for Material Change of Use for Low Impact Industry over land at 7 Mulberry Street, Blackall, formally described as Lot 23 on SP210376.

MOTION: **Moved: Cr LP Russell**

Seconded: Cr GK Schluter

“That Blackall-Tambo Regional Council approves the application for a Development Permit for Material Change of Use for Low Impact Industry over land at 7 Mulberry Street, Blackall, formally described as Lot 23 on SP210376, subject to the following conditions:

1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.**
- 1.2 Where these conditions refer to “Council” in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council**

a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.

- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, unless otherwise stated in a development condition.
- 1.4 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Date
Proposed Workshop (site plan)	-	7-2020
Steel Building by Longreach Bolted Sheds (elevations)	Sheet 8 of 8	7-7-2020

- 2.2 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.
- 2.3 An amended site plan must be submitted to Council for endorsement prior to, or with, the submission of a development application for building work, showing the location of:
 - 2.3.1 All car parking spaces;
 - 2.3.2 The vehicle access from Mulberry Street; and

2.3.3 Landscaping areas, including between the shed and the street frontage.

3.0 ACCESS AND PARKING WORKS

- 3.1 Provide and maintain a minimum of five (5) car parking spaces on-site. A minimum of three (3) car parking spaces must be provided external to the shed. All car parking spaces must be clearly identified by either line-marking or signage.**

Advisory Note: Tandem parking as shown on the site plan along the eastern boundary may not comply with other conditions under 3.0 Access and Parking Works. It is recommended that those car parking spaces external to the shed are located on the site in parallel (side by side, for example, 'nose-in' between the shed and Mulberry Street front property boundary) so all vehicles can easily enter and exit the site in forward gear. This may require the shed to be shifted towards the rear of the site.

- 3.2 Construct and maintain all car parking spaces and vehicle manoeuvring areas to an all-weather standard, suitable for a two-wheel drive car.**
- 3.3 Design, construct and maintain all car parking and access works generally in accordance with the Australian Standard AS2890.1 "Parking Facilities" and Austroads Publication AP-G34-13 – Austroads Design Vehicles and Turning Path Templates.**
- 3.4 Construct and maintain a sealed vehicle access from Mulberry Street generally in accordance with the standard drawing, Figure 2 – Vehicle Crossover – Piped, from the General Development Code of the Blackall-Tambo Region Planning Scheme.**
- 3.5 All vehicles must enter and exit the site in a forward gear.**
- 3.6 All servicing, parking, loading and unloading of vehicles (including heavy vehicles) associated with the approved development must occur within the boundaries of the site and not on adjoining land or road reserve. This includes, but is not limited to, staff and customer vehicles and vehicles awaiting service and repair.**

4.0 STORMWATER WORKS

- 4.1 All stormwater must drain to a lawful point of discharge, being the stormwater drain in Mulberry Street. All stormwater must not adversely affect adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.**

- 4.2 The vehicle access into the site from Mulberry Street must not interfere with the function and integrity of Council's stormwater drain in Mulberry Street.

5.0 ENVIRONMENTAL HEALTH

- 5.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, dust, vibration, odour, fumes, smoke, vapour, steam, soot, wastewater, waste products, oil or otherwise.
- 5.2 Maintain outdoor lighting to comply with *AS4282 Control of Obstructive Effects of Outdoor Lighting*.
- 5.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 5.4 In accordance with the Environmental Protection (Waste Management) Regulations, all waste storage areas must be kept in a clean, tidy condition, and sufficient waste containers and services are to be provided to cater for the containment and removal of all waste generated on the site. Waste must be removed to a lawful landfill.
- 5.5 Contaminants such as oils or chemicals must not be released into unsealed surface areas (i.e. gravel, exposed soil or landscaped areas).
- 5.6 Activities in the workshop and involving any washdown area must be undertaken on a sealed surface drained to an oil/water separator for treatment to the regulated standard before entering Council's sewer network.
- 5.7 Areas for storage of chemicals, fuel or other hazardous materials must be sufficiently bunded.
- 5.8 Any spillage of environmentally hazardous liquids or other materials must be cleared as quickly as practicable and must not enter Council's network or be hosed or swept onto unsealed ground.

6.0 SERVICES

- 6.1 The premises must be connected to Council's reticulated water and sewerage networks.
- 6.2 Electricity and telecommunication services must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

7.0 LANDSCAPING AND FENCING

- 7.1 Establish and retain landscaping on the site with a cumulative area of at least 25m². Part of this landscaping area must be established at the front of the site between the shed frontage and the Mulberry Street frontage. The landscaping must predominantly contain species that are endemic to the region due to their low water dependency.**
- 7.2 Ensure the landscaped areas are subject to water and maintenance during the establishment phase, and an ongoing maintenance and replanting programme as required.**
- 7.3 Boundary fencing with a minimum height of 1.8 metres must be installed along each boundary of the property, except where allowance must be made for the vehicle access from Mulberry Street.**
- 8.0 ASSET MANAGEMENT**
- 8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.**
- 9.0 CONSTRUCTION ACTIVITIES**
- 9.1 Prior to construction of the vehicle access and water and sewer connections, forms for a Minor Works on Road Application and a Water/Sewer Connection Application must be completed and submitted to Council to notify the details of work being undertaken.**
- 9.2 Implement and maintain an Erosion and Sediment Control Plan (ESCP) on-site, in accordance with the *IECA 2008 Best Practice Erosion and Sediment Control* document (as amended) for the duration of the works, and until such time all exposed soil areas are permanently stabilised. The ESCP must be available on-site for inspection by Council Officers during the works.**
- 9.3 The construction of any works must be undertaken in accordance with good engineering practice and workmanship and generally in accordance with the provisions of any relevant standards under the *Blackall-Tambo Region Planning Scheme*.**
- 9.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site, unless otherwise approved in writing by Council.**
- 9.5 Construction activity and noise must be limited to the hours of 06:30 to 18:30 Monday to Saturday, with no work to occur on Sundays or public holidays.**

ADVISORY NOTES

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, as required under relevant legislation for this work.
- B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
- D. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).

1.0 DEVELOPMENT APPLICATION SUMMARY

TABLE 1 – OVERVIEW OF THE DEVELOPMENT APPLICATION

PROPERTY DETAILS	
Site address	7 Mulberry Street, Blackall
RPD	Lot 23 on SP210376
Site Area	1,004m ²
Landowner	David James Dendle
Existing use of land	Vacant
APPLICATION DETAILS	
Application No.	DA 04-2020-2021
Applicant	David James Dendle
Application description	Development Application seeking Development Permit for Material Change of Use

Date application was made 10 July 2020		
Decision due date 28 August 2020		
Proposal Auto mechanic workshop		
Main Issues/Resolution	Issue	Resolution
	Current location of car parking will likely conflict with roller door access to shed and complicate entry/exit in forward gear for customers.	A condition has been imposed requiring an amended site plan to show a new car parking arrangement that will comply with other conditions for clear turning paths and entry/exit in forward gear. An advice note recommends that, instead of tandem parking, customer parking is provided 'nose-in' at the front of the lot. The shed may need to be shifted. The amended site plan must be provided for Council's endorsement prior to, or with, the building application.
	Potential for customer cars and trucks to be stored on adjoining land and in road reserve.	A condition has been imposed enforcing all parking, servicing, loading and unloading of customer vehicles – including trucks – to be undertaken within the bounds of the site. Boundary fencing is also conditioned, which will ensure activities do not 'spill' onto adjoining land.
	The applicant requested that hours of operation are not restrictive because on occasion, workshop activities may proceed after 5pm.	The Planning Scheme does not prescribe hours of operation for the Industrial Precinct. Operating hours can be regulated through the defined use (<u>Low Impact</u> Industry) and the

		environmental nuisance condition. On this basis, it is considered low risk to allow flexibility for operations, especially considering the location in the Industrial Precinct which intends for such activities away from residential uses.
STATUTORY DETAILS		
Mapped matters of interest under PR 2017	Water Resources <ul style="list-style-type: none"> • Water resource planning area boundaries • Great artesian water resource plan area Native Vegetation Clearing <ul style="list-style-type: none"> • Regulated Vegetation (Category B – least concern regional ecosystem) 	
State agency referrals	Nil	
State Planning Policy	State Planning Policy (July 2017)	
Regional Plan	Central West Regional Plan (September 2009)	
Planning Scheme	Blackall-Tambo Region Planning Scheme 2020	
Zone	Township Zone (Industrial Precinct)	
Overlays	None applicable	
Defined use	Low Impact Industry	
Level of Assessment	Code Assessment	

2.0 PROPOSAL BACKGROUND

Application lodged (Application Stage)	10 July 2020
Decision Due (Decision Stage)	28 August 2020

3.0 SITE AND SURROUNDS DESCRIPTION

The site is located at 7 Mulberry Street, Blackall, formally described as Lot 23 on SP210376 (see Figure 1). The site is 1,004m² in area and is a regular

configuration with an approximate 25 metre frontage to Mulberry Street. The site is currently vacant and located centrally within Blackall's industrial area, at the north-western end of the township. The surrounding area is largely vacant, although it is understood is progressively being developed with industrial uses.



FIGURE 1 – AERIAL OF SUBJECT SITE

4.0 DESCRIPTION OF PROPOSAL

The proposal is to establish a mechanical servicing and repair workshop at the subject site, which would be owner operated. Accordingly, the Applicant seeks a Development Permit for Material Change of Use for Low Impact Industry.

The proposed workshop would offer the following services:

- **Automotive servicing and repairs**

- Automotive glass repairs
- Automotive air-conditioning
- Road worthy and safety certificates
- Motorcycle repairs

The proposal includes the construction of 216m² (18m x 12m) enclosed shed. The shed will be a maximum height of 6.2 metres above ground level and is proposed to be setback 6 metres from the front property boundary; however, conditions have been imposed that would mean the shed may need to be pushed further back toward the rear of the site to provide on-site car parking. The shed will be setback a minimum of three metres from the side boundaries.

An excerpt of the proposed site plan and elevation plans have been provided in figures 2 and 3 respectively.

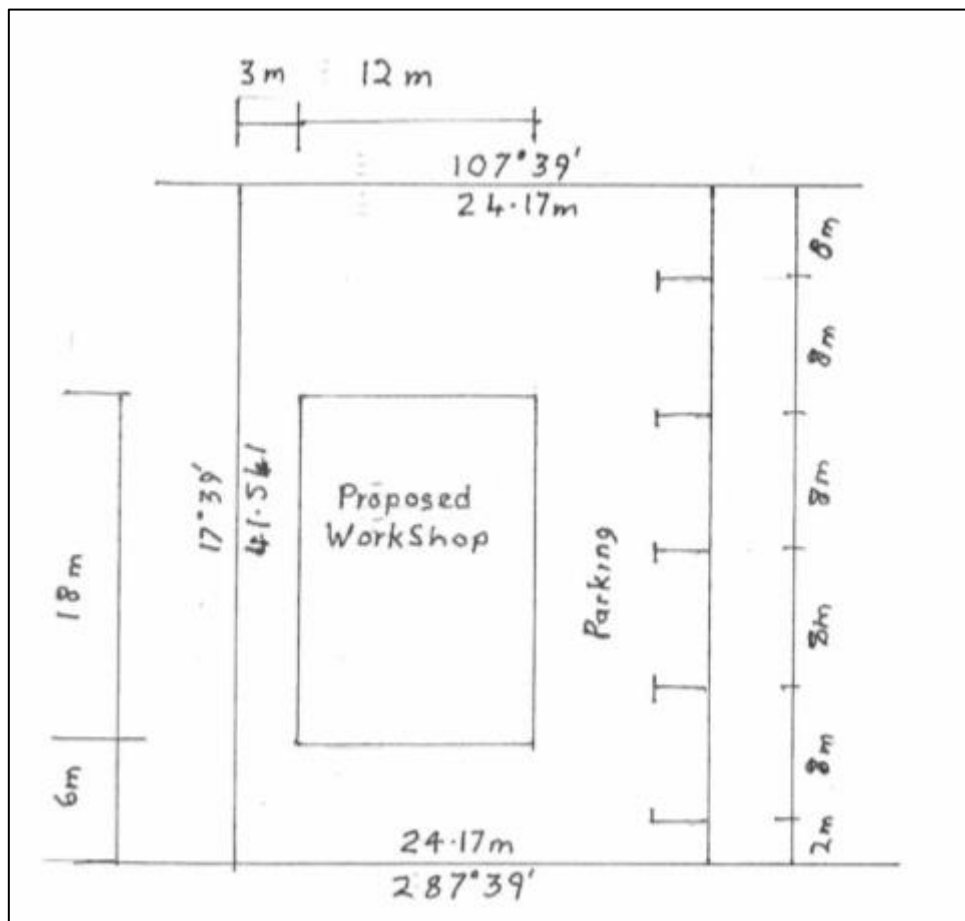


FIGURE 2 – PROPOSED SITE PLAN

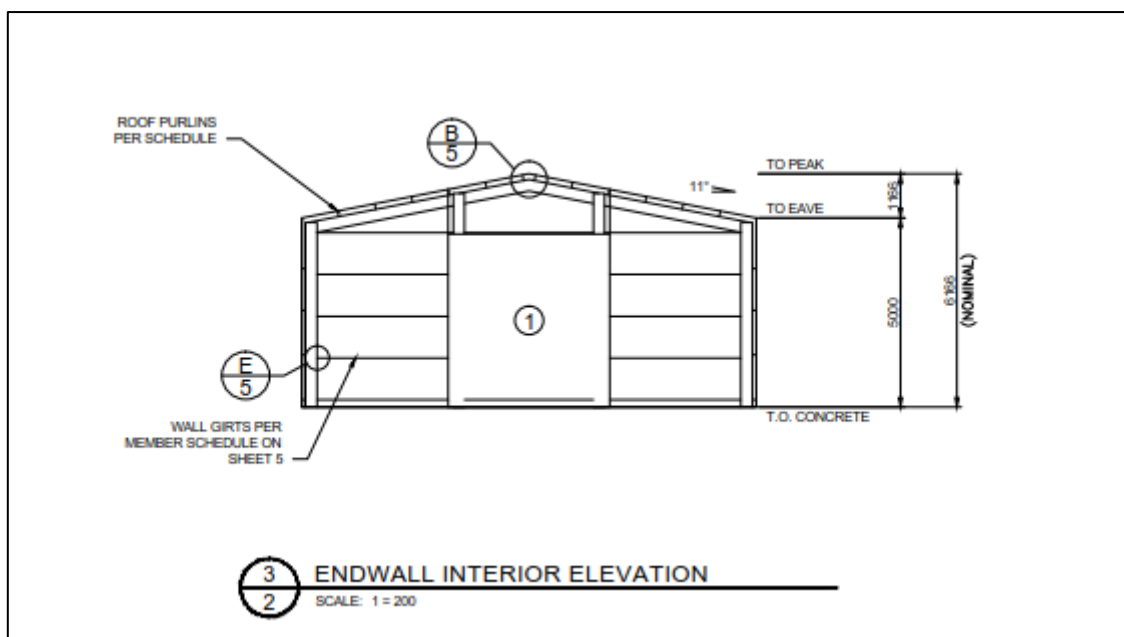


FIGURE 3 – PROPOSED ELEVATION PLAN

5.0 PLANNING ASSESSMENT

In accordance with section 45 (3) of the *Planning Act 2016* (the Planning Act), Code Assessment is an assessment that must be carried out only –

- (a) *Against the assessment benchmarks in a categorising instrument for the development; and*
- (b) *Having regard to any matters prescribed by regulation for this paragraph.*

In the instance of (a), the categorising instrument for the development is the *Blackall-Tambo Region Planning Scheme 2020*, under which the applicable assessment benchmark is the General Development Code. The Code is assessed in further detail in section 5.1 below.

In the instance of (b), the *Planning Regulation 2017* nominates additional assessment benchmarks and matters that must be considered in deciding a code assessable development application. The additional assessment benchmarks and matters that are relevant to the development are assessed as follows:

- The *Central West Regional Plan 2009* has been identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is considered to be an assessment against the Regional Plan.
- The *State Planning Policy 2017* has been identified as being appropriately integrated with the Planning Scheme and therefore an assessment

against the Planning Scheme is considered to be an assessment against the SPP. It is noted that no SPP mapping layers relate to the site.

- Any development approval for, and any lawful use of, the premises or adjacent premises: the site is vacant, hence this application for MCU to establish a lawful use over the premises. This is consistent with developed properties to the north and west of the site. It is understood the site is the product of a subdivision approval for the wider industrial estate.
- The common material: the application material and subsequent correspondence with Council officers and the applicant has been considered in the preparation of this recommendation.

It is noted that assessment benchmarks and matters stated in Schedule 9 and Schedule 10 of the Regulation are not relevant to this development application.

There is no Local Government Infrastructure Plan in place for the Council Area and Council ceases to charge Adopted Infrastructure Charges for any new development. In turn, these assessment benchmarks do not apply to the development and an Infrastructure Charges Notice does not form part of this recommendation.

The planning assessment of the development considers the above assessment benchmarks and matters to the extent relevant to the development.

5.1 BLACKALL-TAMBO REGION PLANNING SCHEME 2020

Under the Planning Scheme the development constitutes a Material Change of Use, which is defined in the Planning Act as:

- a) the start of a new use of the premises;*
- b) the re-establishment on the premises of a use that has been abandoned;*
- c) a material increase in the intensity or scale of the use of the premises.*

The development will result in the start of a new use of the premises. The defined use under the Planning Scheme is a *Low Impact Industry*:

Low impact industry means the use of premises for an industrial activity -

- a) that is the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products; and*
- b) that a local planning instrument applying to the premises states is a low impact industry; and*

- c) that complies with any thresholds for the activity stated in a local planning instrument applying to the premises, including, for example, thresholds relating to the number of products manufactured or the level of emissions produced by the activity***

The Planning Scheme provides examples/thresholds of Low Impact Industry uses, which includes activities that the proposed auto mechanic workshop is consistent with:

Repairing and servicing motor vehicles, including mechanical components, radiators, electrical components, wheel alignments, exhausts, tyres, suspension or air conditioning, not including spray painting

In accordance with Table 4.4.1 of the Planning Scheme, a Low Impact Industry use in the Industrial Precinct is subject to code assessment. The relevant assessment benchmark for the development application is the General Development Code

The development complies, or can be conditioned to comply, with the purpose, performance outcomes and acceptable outcomes of the General Development Code, as follows:

Site layout and built form

Refer to Attachment 1 for a copy of the Proposal Plans. At approximately 216m², the shed will constitute 21.5% site coverage, which is suitable for the site and industrial locality. Building setbacks will be consistent with the Building Code of Australia and will be further assessed at the building application stage.

The tandem parking layout as proposed along the eastern boundary may not be practical or clear for customers entering the site. Parking spaces may conflict with vehicle access to the shed's side roller door and entry and exit in forward gear from these spaces may not be possible.

It is likely that the best outcome for the shed and parking area will not be known until the 'building set-out' is considered for the building application. This will determine the final position of the shed. In turn, a condition is imposed for an amended site plan to be provided to Council for endorsement at the building application stage, to ensure the final shed position makes allowance for a car parking area that meets the standards prescribed in the MCU conditions.

This will ensure the parking area is clearing identified and easily accessible for customers entering the site and will allow for exit in forward gear. An advice notice is included in the recommendation that suggests Council's preference for parking to be at the front of the lot while shifting the shed back.

Conditions are also imposed to ensure business activities are undertaken within the boundaries of the site – through boundary fencing and enforcing the parking of all vehicles on-site and not on adjoining land or road reserve.

Amenity

The code suggests 10% of the total area for new buildings and facilities to be dedicated as landscaping. This could relate to the entire site area (1,004m²) which is proposed for use, resulting in approximately 100m² of landscaping, however to ensure a reasonable balance with useable industrial space, the approximate building footprint has been used as a guide. An area of 25m² has therefore been conditioned for landscaping treatment on the site.

Conditions are imposed to manage potentially adverse impacts or emissions and ensure environmental nuisance is not caused, for example, by way of noise, dust, outdoor lighting or storm-water runoff. This is reinforced by the land use that has been applied for, being a low impact industry.

There are no code provisions relating to hours of operation, rather the code deals generally with 'off-site impacts'. Consultation with the applicant enabled a sound understanding of workshop activities, which often extend into night based on the complexity and scale of the job, or if an emergency repair is required.

Operating hours for the business, being generally during the day but with allowance for after-hour activities as required, is deemed an acceptable outcome in the Industrial Precinct given it is land set aside for various industrial activities, some of which are 24/7 or require a flexible working environment, as in the case of the proposal. The site is also not on the edge of the precinct where there could be higher risk of impacts to residences in the wider township (see Figure 1). On this basis, hours of operation have not been conditioned. Conditions as discussed above for environmental nuisance can be used as a benchmark should any amenity issue arise in the future.

Services

In accordance with the infrastructure provisions of the code, conditions of approval require the connection of the development to Council's reticulated water and sewerage networks, which are available at the site. A piped vehicle access crossover must also be provided from Mulberry Street. Prior to commencement of works, Council must be notified, and a condition is imposed to this effect. This is to ensure Council's works unit is involved in the construction of these items to ensure appropriate standards are achieved in connecting with Council infrastructure.

Conditions also require an oil/water separator for the workshop floor and any washdown area, so wastewater enters Council's sewerage system at an appropriate standard. Adequate bunding of any hazardous goods has also been conditioned.

Conditions ensure that all costs associated with the development, including connection/provision of services, are borne by the developer.

In summary, this planning assessment demonstrates that the development is consistent with the General Development Code, being the applicable

assessment benchmark under the Planning Scheme. Conditions of approval reflect the elements of the assessment benchmark to ensure on-going compliance in terms of land use, amenity and servicing.

6.0 REFERRALS

The application was internally referred to Council's Director of Works and Services (DWS), Environmental Health Officer, and Council's Building Certifier. Their feedback has been reflected in the conditions. There were no major issues requiring further investigation during the assessment process.

Discussion with the DWS established the standard for the vehicle crossover and the expectation for water/sewer connections. The process for involving Council when undertaking works was also confirmed; the applicant must complete and submit relevant forms to Council prior to undertaking any work involving Council infrastructure. The DWS also confirmed for stormwater to be drained to the road frontage, and that the Mulberry St drain be protected from crossover works.

The environmental health advice was informed by the code of practice for mechanical workshops, which required the oil/water separator for the workshop and washdown areas.

The proposed development did not require referral to any external agencies, such as a public or State entity for assessment in accordance with Schedule 10 of the *Planning Regulation 2017*.

7.0 CONCLUSION

This Code Assessable Development Application for a Development Permit for Material Change of Use for Low Impact Industry over land at 7 Mulberry Street, Blackall, formally described as Lot 23 on SP210376, is recommended for approval, subject to the conditions outlined in this report.

This recommendation is based on an assessment of the proposal in accordance with the Planning Act for applications requiring code assessment, which demonstrates the proposal's consistency with the General Development Code and other relevant matters.

In accordance with the requirements for a decision notice under section 63 the Act, the notice must state the reasons for the decision. For this development, the statement of reasons, being the grounds for approval, will feature on the decision notice as follows:

- a) A Low Impact Industry use is a consistent use in the Industrial Precinct of the Township Zone;
- b) The scale and character of the built form is suitable for the site and surrounding area;
- c) Development will be operated in a manner that is compatible with the amenity of the locale and environmental impacts will be minimised;

- d) Access and parking can be set out in a safe, efficient and legible manner on the site;
- e) Development will be adequately serviced by a sealed vehicle access and reticulated water supply and sewerage connections;
- f) The development outcome is consistent with the General Development Code of the Planning Scheme; and
- g) Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

Assessment Officer (Author): Rachel Ovenden Senior Town Planner (Reel Planning) 12 August 2020	
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Minute No. 21/08A/20

Carried 7/0

CLOSURE:

There being no further business to consider, the Mayor declared the Meeting closed at 10.54am.

CONFIRMATION OF MINUTES:

Confirmed by Council as a true and correct record at the General Meeting held on Wednesday 16 September 2020.

Signed.....Mayor