



**MINUTES OF THE GENERAL MEETING OF
BLACKALL-TAMBO REGIONAL COUNCIL
HELD AT THE BLACKALL COUNCIL CHAMBERS
ON WEDNESDAY 15TH FEBRUARY 2023
AT 8.30AM**

PRESENT:

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

OFFICERS:

Mr Des Howard, Chief Executive Officer, Mr Alastair Rutherford, Director of Finance Corporate and Community Services, Mr Garth Kath, Director of Works and Services, Mrs Andrea Saunders, Governance Coordinator, Ms Piper Hansen, Minute Taker

Leave of Absence

Councillor David Hardie requires a leave of absence for the meeting.

MOTION: **Moved: Cr PJ Pullos**

Seconded: Cr GK Schluter

That a leave of absence for Councillor David Hardie for today's meeting be granted.

Minute No. 01/02A/23

Carried 6/0

CONDOLENCES:

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

- Gladys Hayward
 - William Henry Rogers
 - Angus McLellan
-

DECLARATIONS OF INTEREST:

Cr Schluter for item 5.13 – I, Councillor Schluter, inform the meeting that I have a prescribed conflict of interest in item 5.13 Blackall Aquatic Centre Lease. The nature of my interest is as follows:

- My son, Brendan Schluter, is the appointed lessee.

As a result of my conflict, I will leave the meeting room while the matter is considered and voted on.

1.1 Confirmation of General Meeting Minutes

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

That the minutes of the General Meeting held on 25 January 2023 be taken as read and confirmed, and that the Mayor be authorised to sign same.

Minute No. 02/02A/23

Carried 6/0

4.1.1. Financial Report for the Month of January 2023

In accordance with s204 of the *Local Government Regulation 2012* a monthly financial report is required to be presented to Council. The financial report for January 2023 details Council's current financial position and compares its performance against the adopted budget for 2022-2023.

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

That Council receive the Financial Report for January 2023.

Minute No. 03/02A/23

Carried 6/0

4.1.2. DFCCS Operations Report – January 2023

The Director of Finance Corporate and Community Services operations report for January 2023 is presented to Council. The report includes housing and administration, community development program, Blackall aerodrome, libraries, visitor information centres, facility bookings, Tambo Multipurpose and Tambo Child Care Centre.

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

That Council receive the DFCCS Operations Report for January 2023.

Minute No. 04/02A/23

Carried 6/0

4.1.3. Domestic and Family Leave Policy

The *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022* came into force on 1 February 2023. Paid leave is now 10 days a year and the Act sets out a range of procedural matters.

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

That Council adopt the amended Domestic and Family Violence Leave Policy.

Minute No. 05/02A/23

Carried 6/0

4.1.4. Gifts and Benefits Policy

The Gifts and Benefits Policy was revised by Council officers.

MOTION: **Moved: Cr PJ Pullos** **Seconded: Cr BP Johnstone**

That Council adopt the revised Gifts and Benefits Policy.

Minute No. 06/02A/23

Carried 6/0

4.1.5. Tambo Outback Rodeo – Request for Sponsorship

Sponsorship is requested for the Tambo Outback Rodeo to be held on 1 April 2023.

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

That in keeping with current Council policy regarding cash donations Council decline the request for cash sponsorship from the Tambo Outback Rodeo for the annual rodeo to be held on 1 April 2023.

Minute No. 07/02A/23

Carried 6/0

4.1.6. Asset Management Plans

The building, sewer, roads and water asset management plans have been reviewed.

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

That Council adopt the revised:
1. Buildings Asset Management Plan; and
2. Sewer Asset Management Plan; and
3. Roads Asset Management Plan; and
4. Water Asset Management Plan.

Minute No. 08/02A/23

Carried 6/0

4.1.7. Appointment of Internal Auditor

Walsh Accounting has provided a productive service to Council; and the Chairman of the Internal Audit and Risk Management Committee is fully supportive of Council renewing Walsh Accounting's contract for a further three years.

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

That Council appoint Walsh Accounting as Council's internal auditor for a further three years.

Minute No. 09/02A/23

Carried 6/0

4.1.8. Transfer of the Tambo Childcare Centre to Lady Gowrie

Council has been working with industry specialists to provide an improved service to the users of the Tambo Child Care Centre.

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

That Council approve:

- 1. The transfer of the Tambo Child Care Centre to Lady Gowrie as the approved provider subject to approval from the State Department of Early Childhood Care; and**
- 2. The transfer of the CCCF funding from Council to Lady Gowrie with a novation approved by the Federal Department of Social Services; and**
- 3. The preparation of a lease between Council and Lady Gowrie for the Tambo Child Care Centre building; and**
- 4. The maintenance of the building and grounds, and the cost of building insurance and electricity remain the responsibility of Blackall-Tambo Regional Council.**

Minute No. 10/02A/23

Carried 6/0

4.2.1 Director of Works and Services' Operations Report – January 2023

The Director of Works and Services report for January 2023 is presented to Council.

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

That Council receive the Director of Works and Services' Operation Report for January 2023.

Minute No. 11/02A/23

Carried 6/0

4.2.2 Work Health and Safety Report

The Work Health and Safety report is provided to Council.

MOTION: **Moved: Cr BP Johnstone** **Seconded: Cr LP Russell**

That Council receive the Work Health and Safety report for January 2023.

Minute No. 12/02A/23

Carried 6/0

5.1 Blackall Saleyards Monthly Report

The Blackall Saleyards monthly report for January is provided to Council.

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

That Council receive the Blackall Saleyards monthly report for January 2023.

Minute No. 13/02A/23

Carried 6/0

5.2 Planning and Development Report

The Planning and Development report provides a summary of building applications and planning and development activity in the Blackall-Tambo Regional Council area.

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

That Council receive the Planning and Development Report for January 2023.

Minute No. 14/02A/23

Carried 6/0

5.3 Environmental Health/Local Laws Officer's Report – January 2023

The Environmental Health/Local Laws Officer's report is provided to Council.

MOTION: **Moved: Cr PJ Pullos** **Seconded: Cr BP Johnstone**

That Council receive the Environmental Health/Local Laws Officer's report.

Minute No. 15/02A/23

Carried 6/0

5.4 Queensland Housing Strategy 2021-2025 Local Housing Action Plan

Western Queensland Alliance of Council engaged a company to conduct studies on housing in the region. The final draft for the Blackall-Tambo region has been completed.

MOTION: **Moved: Cr LP Russell** **Seconded: Cr BP Johnstone**

That Council endorse the Queensland Housing Strategy 2021-2025 Local Housing Action Plan.

Minute No. 16/02A/23

Carried 6/0

5.5 Tambo Town Common Advisory Group Meeting – 31 January 2023

The Tambo Town Common Advisory Group held a meeting on 31 January 2023.

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

That Council receive the minutes of the Tambo Town Common Advisory Group's meeting held on 31 January 2023 and note the Chairperson is Kerry Russell.

Minute No. 17/02A/23

Carried 6/0

5.6 Sale of Land for Overdue Rates

Rate assessment has overdue rates or charges which have been overdue for at least 3 years. As per Council's Rates Recovery Policy reminder notices have been issued by Council and Council's Solicitor. Despite the reminder notices and correspondence from our Solicitor, no commitment has been made to reduce the outstanding amounts.

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

That under section 140(2) of the *Local Government Regulation 2012*, Council resolves to sell Lot 506 on T1501 (dwelling at 43 Arthur Street, Tambo) for overdue rates and charges.

Minute No. 18/02A/23

Carried 6/0

5.7 Proposed Shed for the Tambo Sports Facility

Council has received a proposal from a community member for a shed to be built over one netball court and adjacent tennis court at the Tambo Sports Facility.

MOTION: **Moved: Cr PJ Pullos** **Seconded: Cr BP Johnstone**

That Council consider all options for a shade structure and support an application for funding through the Queensland Government's Minor Infrastructure Program.

Minute No. 19/02A/23

Carried 6/0

5.8 WH Rogers Memorial

Mr William Henry Rogers contributed to the community in Tambo for many years. In recognition of his contributions Council would like to name a building in his memory.

MOTION: **Moved: Cr AL Martin**

Seconded: Cr LP Russell

That Council, with the support of the Tambo Race Club, consider the Jockeys Pavilion to be named in memory of Mr William Henry Rogers.

Minute No. 20/02A/23

Carried 6/0

At this point, 9.35am, Cr Pullos left the meeting.

At this point, 9.37am, Cr Pullos returned to the meeting.

5.9 RAPAD Board Communique

The RAPAD Board Meeting Communique provides information on the matters being dealt with at the monthly meetings.

MOTION: **Moved: Cr BP Johnstone**

Seconded: Cr LP Russell

That Council receive the RAPAD Board Meeting Communique for the last quarter of 2022.

Minute No. 21/02A/23

Carried 6/0

5.10 Change Representations – DA 37-2021-2022 – Tourist Park – 18 Leek Street, Blackall

The Applicant, New Beginnings Church Blackall, sought a Development Permit for a Material Change of Use for a Tourist Park and Reconfiguring a Lot (1 lot into 2 lots) over land at 18 Leek Street, Blackall. The Development Permit was granted on 14 December 2022 by Council, subject to conditions; however, the Applicant requests that a condition (Condition 3.1) relating to hours of operation, be amended to allow for an additional two hours. Therefore, the Applicant is requesting that a Negotiated Decision Notice reflecting the requested change be issued.

Condition 3.1 was included to manage the hours guests can check in and check out of the Tourist Park. The change representations request that Condition 3.1 be amended to change the hours of operation from 7:00am to 6:00pm Monday to Sunday to 6:00am to 7:00pm Monday to Sunday.

Under the Blackall-Tambo Region Planning Scheme 2020 (the Planning Scheme), the subject site is in the Mixed Use Precinct of the Township Zone. The defined use that has been applied for, being a 'Tourist Park', is subject to Impact Assessment in the Township Zone. Reconfiguring a lot in the Township zone is subject to Code Assessment. The overall level of assessment for the application is Impact Assessment.

In accordance with section 76 (1) of Planning Act 2016 (the Act), Council as assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant. In this instance, the requested change relates to a provision in the Township Zone Code (AO20/PO20). The requested change has been assessed against the relevant criteria and the request is considered reasonable and therefore the change representations should be approved by Council.

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

That Council approves the change representations relating to Decision Notice DA 37-2021-2022 for a Development Permit a Material Change of Use for a Tourist Park and Reconfiguring a Lot (1 lot into 2 lots) over land at 18 Leek Street, Blackall, formally described as Lot 1 on CP900484, 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	Revision Number	Date
Thistle Street Aspect	Page 1	-	25/05/2022
Layout Proposed Site Plan	Page 3	-	26/05/2022 (Received date)
Caravan Park Proposed Site Plan	Page 4	-	26/05/2022 (Received date)
Type A & Shower-WC-Vanity & Elevations	Page 5	-	26/05/2022 (Received date)
Type B & C & Shower-WC-Vanity & Elevations	Page 6	-	26/05/2022 (Received date)
Type D & Laundry-WC-Shower & Elevations	Page 7	-	26/05/2022 (Received date)
Proposed Dwelling – Lower and Upper Floor	Page 8	-	26/05/2022 (Received date)

Proposed Aspects	Dwelling	Page 9	-	26/05/2022 (Received date)
Site Layout		DWG-S01	A	26/09/2022
General Arrangement		CE22056-301-GA	A	19/10/2022
Landscape Plan Planting Plan		IY-666-18LE	-	19/10/2022

- 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.

3.0 LIMITATIONS OF OPERATION

- 3.1 Hours of operation are limited from ~~7:00am to 6:00pm~~ 6:00am to 7:00pm Monday to Sunday. No new guests are to be accepted into the Tourist Park outside these hours.

***Advisory note:** This relates to office hours and when guests may be accepted into the Tourist Park. It is accepted the use is an accommodation activity and guests (already checked in) will be staying 24 hours a day.*

- 3.2 The Tourist Park is limited to a maximum of 16 caravan sites.

4.0 ENGINEERING CERTIFICATION

- 4.1 Prior to commencement of any engineering works, a Development Permit for Operational Work must be obtained, where required, for the following engineering works:

- 4.1.1 Road works and access and parking works
- 4.1.2 Reticulated water supply connection
- 4.1.3 Reticulated sewer supply
- 4.1.4 Earthworks
- 4.1.5 Stormwater works

- 4.2 For the submission, detailed design documentation must be provided and a Registered Professional Engineer of Queensland (RPEQ) must certify the engineering drawings and specifications for the engineering work.

- 4.3 An Engineer's Certificate of Construction must be signed and submitted to Council by a RPEQ verifying that all works have been

carried out in accordance with the relevant standards, drawings, the development permit for operational works, and any specifications that result from the submission for engineering certification.

5.0 ACCESS AND PARKING WORKS

- 5.1 Design, construct and maintain the Thistle Street crossover in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standard drawing, Figure 2 – Vehicle Crossover – Piped, from the General Development Code of the Blackall-Tambo Region Planning Scheme.**
- 5.2 Design and construct the upgrade to Thistle Street and the intersection of Leek and Thistle Street, at no cost to Council, in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standards detailed in the Capricorn Municipal Development Guidelines (including Standard Drawings and Specifications, Construction Specifications and Procedures, Design Specifications and Purchase Specifications).**
- 5.3 Provide and maintain a minimum of eighteen (18) car parking spaces on-site for guests, four (4) car parking on-site for guests and two (2) car parking spaces for the caretaker's residence. All car parking spaces must be clearly delineated by either line-marking or signage.**
- 5.4 Design and construct and maintain all car parking, service vehicle parking and manoeuvring areas in accordance with the approved plans (see Condition 2.1) and AS2890.1 – Parking Facilities and Austroads Publication AP-G34-13 – Austroads Design Vehicle and Turning Path Templates.**
- 5.5 All car parking, caravan sites and vehicle manoeuvring areas must be either compacted gravel or concrete.**
- 5.6 Install and maintain directional signage within the site to ensure the orderly and efficient movement of vehicles.**
- 5.7 Provide dedicated visitor car parking areas generally in accordance with the approved plans (Condition 2.1).**

6.0 FLOOD

- 6.1 Maintain and implement a current Flood Evacuation Plan for the approved use.**

6.2 The Flood Evacuation Plan must consider:

- 6.2.1 Trigger conditions for evacuation;**
- 6.2.2 Flood free or low flood hazard access, by way of trafficable roads to facilitate evacuation or provision of supplies;**
- 6.2.3 Location of local evacuation centres; and**
- 6.2.4 Roles and responsibilities of the manager/employees in implementing the Flood Evacuation Plan.**

6.3 Make available a copy of the Flood Evacuation Plan on site at all times.

7.0 SITE MANAGEMENT PLAN

- 7.1 Maintain and implement a site management plan for the Tourist Park. The site management plan is to include measures to manage operational aspects of the development including, but not limited to, hours of operation, noise management, site care and maintenance, complaints management and refuse management.**

8.0 ROOF AND ALLOTMENT DRAINAGE

- 8.1 Discharge of all roof and allotment drainage such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure from the pre to the post-development condition.**

9.0 STORMWATER WORKS

- 9.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with the *Queensland Urban Drainage Manual*.**

10.0 SEWERAGE AND WATER

- 10.1 The premises must be connected to Council's reticulated water and sewerage network.**
- 10.2 All works must be designed, constructed and maintained in accordance with the approved plans (refer to Condition 2.1), the *Plumbing and Drainage Act, Water Services Association of Australia (WSAA), 2011, "WSA 03-11 Water Supply Code of***

Australia” Version 3.1 and Queensland Department of Energy and Water Supply, 2010, Planning Guidelines for Water Supply and Sewerage.

- 10.3 Remove all redundant water supply and sewerage infrastructure, including but not limited to pipes and connection points.**

11.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY

- 11.1 The premises must be connected to electricity and telecommunication services in accordance with the standards and requirements of the relevant service provider.**

12.0 WASTE MANAGEMENT

- 12.1 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:**
- 12.1.1 Designed to not cause nuisance to neighbouring properties;**
 - 12.1.2 Screened from any road frontage or adjoining property;**
 - 12.1.3 Of a sufficient size to accommodate a waste bin/s suitable to service the Tourist Park.**

13.0 AMENITY AND ENVIRONMENTAL HEALTH

- 13.1 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, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise**
- 13.2 Install and operate all outdoor lighting to comply with AS4282 – 1997 “Control of the Obtrusive Effects of Outdoor Lighting”.**

8.0 LANDSCAPING

- 8.1 Establish and maintain landscaping generally in accordance with the approved plans.**
- 8.2 The landscaping must predominantly contain species consisting of native, drought tolerant groundcovers, shrubs, small trees and trees.**

9.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

- 9.1 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.**
- 9.2 Prepare and implement an Erosion and Sediment Control Strategy (ESCS) in accordance with the IECA 2008 Best Practice Erosion and Sediment Control (as amended).**
- 9.3 Implement the ESCS for the duration of the construction phase and until such time all exposed soils areas are permanently stabilised (for example, turfed, hydro mulched, concreted or landscaped).**

10.0 ASSET MANAGEMENT

- 10.1 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.**

ADDITIONAL CONDITIONS FOR RECONFIGURING OF A LOT (1 LOT INTO 2 LOTS)

11.0 ENDORSEMENT OF SURVEY PLAN

- 11.1 Council will not endorse or release the survey plan for this development until such time as:**
 - (a) All conditions attached to this development approval for Reconfiguring a Lot have been fully satisfied;**
 - (b) A statement demonstrating compliance with all conditions attached to this development approval has been submitted to Council; and**
 - (c) All outstanding rates and charges relating to the site have been paid.**

12.0 APPROVED PLANS AND DOCUMENTS

- 12.1 The approved reconfiguration of a lot must be completed and maintained generally in accordance with the lot layout shown on Layout Proposed Site Plan with reference Page 3 and dated 26/05/2022 (received date).**

- 12.2 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.**

13.0 ACCESS

- 13.1 The existing access to Leek Street for the Church must be maintained.**

14.0 SERVICES

- 14.1 Each proposed lot must have separate services.**

15.0 PUBLIC UTILITIES

- 15.1 The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.**
- 15.2 Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.**
- 15.3 Any damage caused to any public utility during the course of construction shall be repaired to the satisfaction of Council's Delegated Officer and at no cost to Council prior to the sealing of the Survey Plan.**

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, and potentially for operational 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”).**
- E. The Tourist Park will require approval to operate under Schedule 14 of the Blackall-Tambo Regional Council Subordinate Local Law No.1 (Administration) 2010.**

Minute No. 22/02A/23

Carried 6/0

5.11 Development Application – DA 12-2022-2023 – 65 Arthur Street, Tambo

The Applicants, Joshua and Denae Phelps, seek a Development Permit for a Material Change of Use for a Warehouse over land 65 Arthur Street, Tambo formally described as Lots 8 and 10 on T15032.

The proposal involves the construction of a 360m² shed that will be used for storage purposes, in particular the storage of hay.

The site adjoins a state-controlled road and required referral to the State Assessment and Referral Agency (SARA). SARA has provided a referral agency response.

Under the Blackall-Tambo Region Planning Scheme 2020 (the Planning Scheme), the subject site is in the Mixed Used Precinct of The Township Zone. The defined use that has been applied for, being Warehouse, is subject to Code Assessment in the Mixed Used Precinct of The Township Zone.

Based on an assessment of the proposal in accordance with the Code Assessment process articulated in the Planning Act 2016, this decision report recommends approval of the development application, subject to the conditions stated herein.

MOTION: **Moved: Cr PJ Pullos**

Seconded: Cr BP Johnstone

That Council approves the application for a Development Permit for Material Change of Use for a Warehouse over land at 65 Arthur Street, Tambo, formally described as Lots 8 and 10 on T115032, 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	Revision Number	Date
Site Plan	DA12-2022-2023	-	07/02/2023

- 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.**

3.0 PARAMETERS OF USE

- 3.1 The wholesale of goods is permitted, provided it remains ancillary to the Warehouse use.**

4.0 ROOF AND ALLOTMENT DRAINAGE

- 4.1 Discharge of all roof and allotment drainage such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure from the pre to the post-development condition.**

5.0 STORMWATER WORKS

- 5.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with the Queensland Urban Drainage Manual.**

6.0 ACCESS AND PARKING WORKS

- 6.1 Design, construct and maintain the Albert Street crossover in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standard drawing, Figure 1 or 2, from the General Development Code of the Blackall-Tambo Region Planning Scheme.**
- 6.2 Maintain a minimum of four (4) car parking spaces on-site. All car parking spaces must be clearly delineated by either line-marking or signage.**

7.0 SEWERAGE AND WATER

- 7.1 The premises must be connected to Council's reticulated water and sewerage network.**
- 7.2 All works must be designed, constructed and maintained in accordance with the approved plans (refer to Condition 2.1), the *Plumbing and Drainage Act*, *Water Services Association of***

Australia (WSAA), 2011, “WSA 03-11 Water Supply Code of Australia” Version 3.1 and Queensland Department of Energy and Water Supply, 2010, Planning Guidelines for Water Supply and Sewerage.

- 7.3 Remove all redundant water supply and sewerage infrastructure, including but not limited to pipes and connection points.**

8.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY

- 8.1 The premises must be connected to electricity and telecommunication services in accordance with the standards and requirements of the relevant service provider.**

9.0 WASTE MANAGEMENT

- 9.1 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:**

- 9.1.1 Designed to not cause nuisance to neighbouring properties;**
- 9.1.2 Screened from any road frontage or adjoining property;**
- 9.1.3 Of a sufficient size to accommodate a waste bin/s suitable to service the Short-term accommodation.**

10.0 AMENITY AND ENVIRONMENTAL HEALTH

- 10.1 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, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise**

- 10.2 Install and operate all outdoor lighting to comply with AS4282 – 1997 “Control of the Obtrusive Effects of Outdoor Lighting”.**

11.0 LANDSCAPING

- 11.1 Establish and maintain landscaping throughout the site.**

- 11.2 The landscaping must predominantly contain species consisting of native, drought tolerant groundcovers, shrubs, small trees and trees.**

12.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

- 12.1** 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.
- 12.2** Prepare and implement an Erosion and Sediment Control Strategy (ESCS) in accordance with the *IECA 2008 Best Practice Erosion and Sediment Control* (as amended).
- 12.3** Implement the ESCS for the duration of the construction phase and until such time all exposed soils areas are permanently stabilised (for example, turfed, hydro mulched, concreted or landscaped).

13.0 ASSET MANAGEMENT

- 13.1** 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.

14.0 CONSTRUCTION ACTIVITIES

- 14.1** 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.
- 14.2** 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, and potentially for operational 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”).

Minute No. 23/02A/23

Carried 6/0

5.12 Scrubby Creek Sports Club

Council has received a proposal from the Scrubby Creek Sports Club. They wish to construct a shed at the sports ground which would contain a new kitchen, bar and office facility while providing an undercover area to facilitate sporting activities in a sun safe environment.

MOTION: **Moved: Cr LP Russell** **Seconded: Cr JH Scobie**

That Council support the application by the Scrubby Creek Sports Club for funding through the Queensland Government’s Minor Infrastructure Program for a shed at the Scrubby Creek Sports Facility.

Minute No. 24/02A/23

Carried 6/0

At this point, 9.44am, Cr Schluter left the meeting.

5.13 Blackall Aquatic Centre Lease

The lease for the Blackall Aquatic Centre was advertised.

MOTION: **Moved: Cr JH Scobie** **Seconded: Cr LP Russell**

That Council endorse the decision of the Chief Executive Officer to award the lease for the Blackall Aquatic Centre to Brendan Schluter.

Minute No. 25/02A/23

Carried 5/0

At this point, 9.46am, Cr Schluter returned to the meeting.

5.14 Remuneration Commission

As required by section 177(c) of the *Local Government Act 2009* and Chapter 8, Division 1 of the *Local Government Regulation 2012* the Local Government Remuneration Commission is to decide the maximum amount of remuneration payable to the councillors of each category of local government. The Remuneration Commission has concluded their determination and provided a report.

MOTION: **Moved: Cr GK Schluter** **Seconded: Cr BP Johnstone**

That Council receive the Local Government Remuneration Commission Annual Report 2021-2022.

Minute No. 26/02A/23

Carried 6/0

5.15 Sale of Land in Blackall

The Department of Energy and Public Works is interested in purchasing the subdivided lot behind 87 Thistle Street, Blackall.

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

That Council:

- 1. Under section 236(1)(b)(i) of the *Local Government Regulation 2012* Council sells the land located on Petunia Street being part of 87 Thistle Street, Blackall to the Department of Energy and Private Works; and**
- 2. Delegates authority to the Chief Executive Officer to act for Council for the sale of the land; and**
- 3. Under section 3.6 of the Queensland Government Land Transaction Policy, Blackall-Tambo Regional Council accepts the offer of \$20,000.00.**

Minute No. 27/02A/23

Carried 6/0

CLOSURE:

There being no further business to consider, the Mayor declared the Meeting closed at 9.52am.

CONFIRMATION OF MINUTES:

Confirmed by Council as a true and correct record at the General Meeting held on Wednesday 15 March 2023.

Signed.....Mayor