



**MINUTES OF THE GENERAL MEETING OF
BLACKALL-TAMBO REGIONAL COUNCIL
HELD AT THE TAMBO COUNCIL CHAMBERS
ON WEDNESDAY 15 JULY 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:

Betty Walker
Col Russell

DECLARATIONS OF INTEREST:

Cr Scobie Item 5.2 – “I declare that I have a conflict of interest in the Planning and Development Report (as defined in the *Local Government Act* 2009) as I am an employee of the Barcoo Retirement Village. 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.

Cr Scobie Item 5.10 – “I declare that I have a conflict of interest in the Development Application – DA 33-2019-2020 – Barcoo Retirement Village Incorporated – 125 Shamrock Street & 2 Coronation Drive (as defined in the *Local Government Act* 2009) as I am an employee of the Barcoo Retirement Village. 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.

Cr Johnstone Item 5.2 – “I declare that I have a conflict of interest in the Planning and Development Report (as defined in the *Local Government Act* 2009) as I am a member of the committee for the Barcoo Retirement Village. I have determined that this conflict of interest is of significance that it could lead me to make a decision on

“That Council resolve to adopt:

- 1. The Absenteeism and Abandonment of Employment Policy; and**
- 2. The Anti-Discrimination, Bullying and Sexual Harassment Policy; and**
- 3. The Redundancy Policy; and**
- 4. The Recruitment and Selection Policy.**

Minute No. 07/07A/20

Carried 7/0

4.1.6 Review of Operational Plan – 30 June 2020

Section 174(3) of the *Local Government Regulation 2012* requires Councils to review their Operational Plans every three months.

MOTION: Moved: Cr GK Schluter

Seconded: Cr BP Johnstone

“That Council receive the Operational Plan for the quarter ending 30 June 2020.”

Minute No. 08/07A/20

Carried 7/0

Order of Business

The order of business was changed.

MOTION: Moved: Cr AL Martin

Seconded: Cr LP Russell

“That Council change the order of business to discuss item 5.1, Blackall Saleyards Monthly Report and item 5.2, Planning and Development Report.”

Minute No. 09/07A/20

Carried 7/0

This item was discussed after item 5.2, Planning and Development Report.

4.2.1 Director of Works and Services Operations Report – June 2020

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

MOTION: Moved: Cr LP Russell

Seconded: Cr PJ Pullos

“That Council receive the Director of Works and Services’ Operation Report for June 2020 and note that the Rural Address project has been continuing.”

Minute No. 10/07A/20

Carried 7/0

4.2.2 Work Health and Safety Report

The Work Health and Safety Report has been provided to Council.

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

“That Council receive the Work Health and Safety Report for June 2020 and note that there were 8 inductions conducted for the month.”

Minute No. 11/07A/20

Carried 7/0

4.2.3 Ranger Coordinator’s Report

The Ranger Coordinator’s Report has been provided to Council.

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

“That Council receive the Ranger Coordinator’s report for June 2020 and note that weed control has been undertaken at Ravensbourne Creek.”

Minute No. 12/07A/20

Carried 7/0

ADJOURNMENT:

At this point, 9.45am the meeting was adjourned for morning tea. Council met with Senator Rennick.

RESUMPTION:

At this point, 10.30am the meeting was resumed.

This item was discussed after item 4.1.6.

5.1 Blackall Saleyards Monthly Report

The Blackall Saleyards monthly report for June 2020.

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

“That Council receive the Blackall Saleyards monthly report for June 2020 and note that during 2019/20 there was increase of 43,802 head with Prime Store Sales compared to the previous financial year.”

Minute No. 13/07A/20

Carried 7/0

At this point, 9.19am Cr Johnstone & Cr Scobie left the meeting.

5.2 Planning and Development Report

The Planning and Development Report is presented to Council.

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

“That Council receive the planning and development report for June 2020 and note that there were no development applications, one planning application and four planning enquiries received for the period.

Minute No. 14/07A/20

Carried 5/0

At this point, 9.23am the Director of Works and Services entered the meeting.

Order of Business

The order of business was changed.

MOTION: Moved: Cr AL Martin Seconded: Cr LP Russell

“That Council change the order of business to discuss items 4.2.1, DWS Operations Report, item 4.2.2, Work Health and Safety Report and Item 4.2.3, Ranger Coordinator’s Report.”

Minute No. 15/07A/20

Carried 7/0

At this point, 9.24am Cr Johnstone & Cr Scobie returned to the meeting.

This item was discussed after item 4.2.3

5.3 Sale of Non-Current Asset – Council Land, Lot 2 on RP610529

Council has recently received an enquiry regarding the possible sale of a parcel of land in Tambo.

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

“That under section 228 of the *Local Government Regulation 2012 – Tender process*, Council agrees to invite written tenders for Lot 2 on RP610529.”

Minute No. 16/07A/20

Carried 7/0

5.4 Project Delivery Agreement – Field Solutions Group Pty Ltd

MOTION: Moved: Cr LP Russell

Seconded: Cr PJ Pullos

“That Council retain the wild dog fee of \$30.00 per wild dog.”

Minute No. 20/07A/20

Carried 7/0

5.8 2020-21 COVID Works for Queensland Program

Council has received notification from the Department of Local Government, Racing and Multicultural Affairs that the COVID W4Q projects totalling \$1,070,000 has been approved. There are 11 projects supported by the program.

MOTION: Moved: Cr DA Hardie

Seconded: Cr JH Scobie

“That Council receive the letter from the Department of Local Government Racing and Multicultural Affairs approving the COVID W4Q projects totalling \$1,070,000 and that the eleven projects funded by the W4Q program are endorsed by Council.”

Minute No. 21/07A/20

Carried 7/0

5.9 Stock Routes

Council has received correspondence from a property owner asking for Council to advise property owners when a drover will be entering a property.

MOTION: Moved: Cr LP Russell

Seconded: Cr JH Scobie

“That Council ask the CEO to respond to the correspondent advising them of the current regulations for travelling stock.”

Minute No. 22/07A/20

Carried 7/0

At this point, 11.01am Cr Johnstone and Cr Scobie left the meeting.

5.10 Development Application – DA 33-2019-2020 – Barcoo Retirement Village Incorporated – 125 Shamrock Street & 2 Coronation Drive, Blackall

Barcoo Retirement Village Incorporated seeks a Development Permit for Reconfiguring a Lot (Boundary Realignment) involving land at 125 Shamrock Street and 2 Coronation Drive, Blackall.

MOTION: Moved: Cr GK Schluter

Seconded: Cr PJ Pullos

“That Blackall-Tambo Regional Council approves the application for a Development Permit for Reconfiguring a Lot (Boundary Realignment) on land located 125 Shamrock Street and 2 Coronation Drive, Blackall, described as Lot 1 on RP603923 and Lot 1 on SP309900 subject to the following conditions:

1.0 ENDORSEMENT OF SURVEY PLAN

- 1.1 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.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plan of development Proposed Lots 1 and 2, Drawing Number 60382-PRO-001, Revision A, dated 22 May 2020 and prepared by Hoffmann Surveyors.
- 2.2 The approved plan of development must be amended to remove the boundary encroachment over the western side of the fire station building.
- 2.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

3.0 WATER AND SEWERAGE

- 3.1 Prior to Council’s approval of the survey plan, demonstrate that each approved lot has their own water and sewerage connection point contained wholly within their respective lot boundary.
- 3.2 Any redundant water or sewerage connection points must be removed and capped to the satisfaction of Council.

4.0 PUBLIC UTILITIES

- 4.1 The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.
- 4.2 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.

- 4.3 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. The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- B. Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- C. 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.
- D. 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.
- E. General environmental duty under the Environmental Protection Act 1994 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.

1.0 DEVELOPMENT APPLICATION SUMMARY

TABLE 1 – OVERVIEW OF THE DEVELOPMENT APPLICATION

PROPERTY DETAILS	
Site address	125 Shamrock Street and 2 Coronation Drive, Blackall
RPD	Lot 1 on RP603923 and Lot 1 on SP309900
Site Area	7,670m ² (combined)
Landowner	State of Queensland (represented by Public Safety Business Agency) and Barcoo Retirement Village Incorporated
Existing use of land	Emergency Services (Fire Station) and Retirement Village
APPLICATION DETAILS	

Application No.	DA33-2019-2020	
Applicant	Barcoo Retirement Village Incorporated	
Application description	Development Application seeking Development Permit for Reconfiguring a Lot (Boundary Realignment)	
Date application was made	18 June 2020	
Decision due date	6 August 2020	
Proposal	Boundary realignment of two lots	
Main Issues/Resolution	Issue	Resolution
	Nil	Nil
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 State Transport Corridor <ul style="list-style-type: none"> • State-controlled Road Areas within 25m of a State Transport Corridor <ul style="list-style-type: none"> • Area within 25m of a State-controlled road 	
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 (Commercial Precinct)	
Overlays	Flood Hazard Overlay	
Level of Assessment	Code Assessment	

2.0 PROPOSAL BACKGROUND

Application lodged	10 June 2020
Application properly made	18 June 2020
Decision Due	6 August 2020

3.0 SITE AND SURROUNDS DESCRIPTION

The site is located at 125 Shamrock Street and 2 Coronation Drive, Blackall, formally described as Lot 1 on RP603923 and Lot 1 on SP309900 respectively (See **Figure 1**). 125 Shamrock Street contains the Blackall Fire Station and is 1,012m² in area. 2 Coronation Drive contains the Barcoo Retirement Village and is 5,815m² in area. The Fire Station is accessed directly from Shamrock Street.



FIGURE 1 – AERIAL OF SUBJECT SITE

The Retirement Village's primary access is from Coronation Drive (through Lot 3 on RP603923, which will be amalgamated into the Retirement Village lot), and there is a secondary access from Shamrock Street. The access from Shamrock Street appears to straddle the Fire Station land and Retirement Village land. It is understood the driveway is informally shared by both uses, although this access arrangement is not addressed in the application material and is therefore not a matter that must be considered as part of this application.

4.0 DESCRIPTION OF PROPOSAL

The application seeks to reconfigure the common boundary between the two lots to enable a 'land swap' that facilitates the expansion of the Retirement Village. **Figure 2** shows the area of land that will be swapped. Upon Council's endorsement of the Survey Plan, the area circled in green that was part of the Fire Station land will become part of the Retirement Village land. The area circled in red that was part of the Retirement Village land but will become part of the Fire Station Land. Refer to **Attachment 1** for a complete version of the proposal plan.

Proposed Lot 1 includes the Retirement Village land, with the inclusion of Lot 3 on RP603923, and will be 6,650m² in area. Proposed Lot 2 includes the Fire Station Land and will be 1,020m² in area. Both lots will increase in size from the pre-developed scenario (due to the amalgamation of Lot 3 into the new Retirement Village lot). No changes are proposed to the access or servicing arrangement for both uses as part of the boundary realignment.

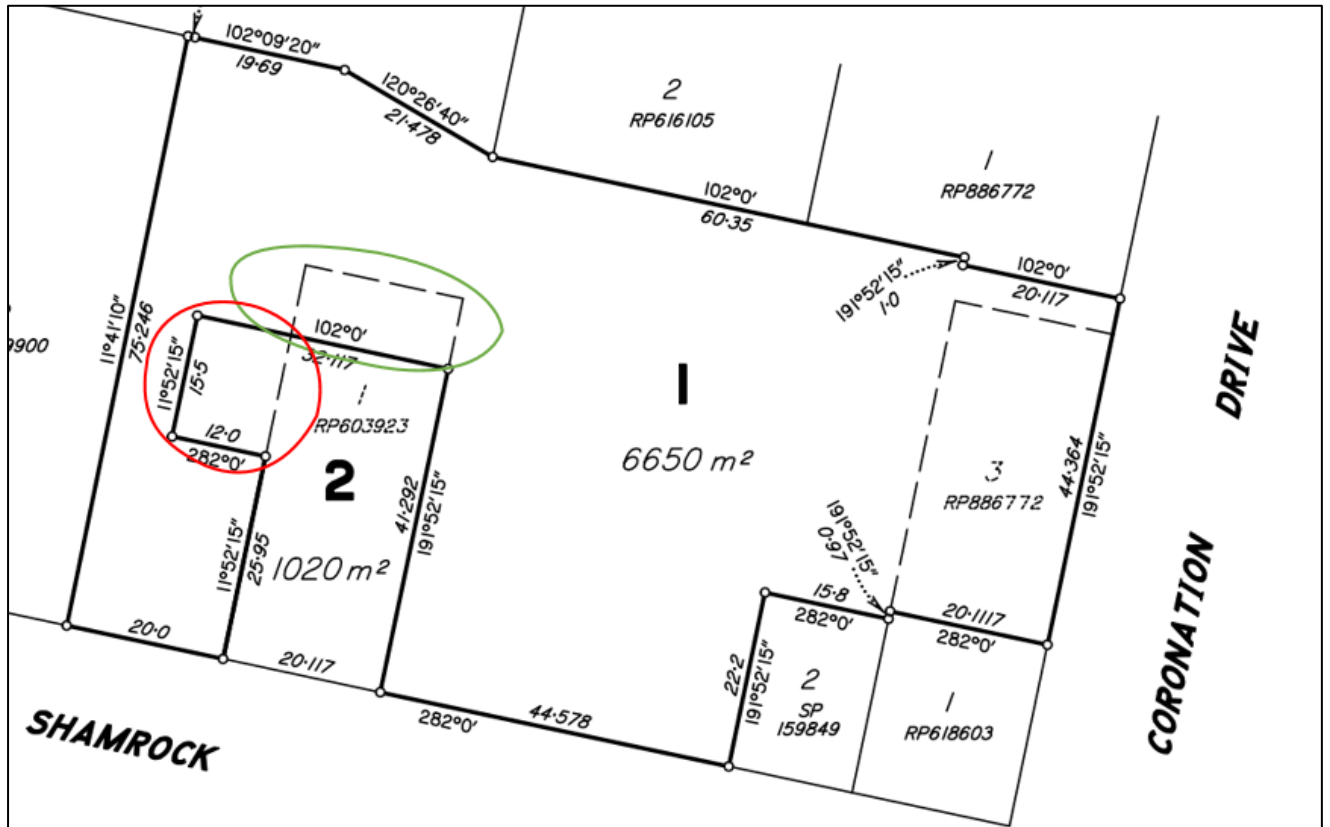


FIGURE 2 – EXERT OF PROPOSED PLAN OF SUBDIVISION

In terms of the anticipated use of newly acquired land for each facility, it is understood the new Fire Station land will be used for training exercises and vehicle manoeuvring (as previously undertaken on the paved area at the rear of the Fire Station building). The new Retirement Village land will form part of its expansion plans. Any use of the land that constitutes a material change of use of premises will need to be assessed against the current Planning Scheme to determine if a development application is required.

5.0 PLANNING ASSESSMENT

In accordance with section 45 (3) of the *Planning Act 2016*, 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 this instance pursuant to section 45 (3)(a) of the Act, the categorising instrument for the development is the *Blackall-Tambo Region Planning Scheme 2020*, under which the applicable assessment benchmark is the Reconfiguring a Lot Code and the Township Zone Code.

In the *Planning Regulation 2017* (referred to as the 'Regulation'), sections 26 and 27 nominate 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 identified as follows:

- The *Central West Regional Plan*, to the extent the Regional Plan is not identified in the Planning Scheme as being appropriately reflected in the Planning Scheme;
- The *State Planning Policy*, to the extent the SPP is not identified in the Planning Scheme as being appropriately reflected in the Planning Scheme;
- Any development approval for, and any lawful use of, the premises or adjacent premises; and
- The common material.

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

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.

BLACKALL-TAMBO REGION PLANNING SCHEME 2020

Under the Planning Scheme the development is defined as Reconfiguring a Lot. Under the *Planning Act 2016* (the Planning Act), the definition of Reconfiguring a Lot relates to:

- (a) *Creating lots by subdividing another lot; or*
- (b) *Amalgamating 2 or more lots;*
- (c) ***Rearranging the boundaries of a lot*** *by registering a plan of subdivision under the Land Act or Land Title Act; or*
- (d) *Dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is:*
 - (i) *A lease for a term, including renewal options, not exceeding 10 years; or*
 - (ii) *An agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997; or*
- (e) *Creating an easement giving access to a lot from a constructed road.*

In accordance with Table 4.5.1 of the Planning Scheme, the relevant assessment benchmarks for the development application include the Reconfiguring a Lot Code and Township Zone Code.

The development complies with the purpose, performance outcomes and acceptable outcomes of the Reconfiguring a Lot Code. The purpose of the Code is encompassed by a set of outcomes prescribed under section 6.3.2 of the Planning Scheme. The proposed development does not compromise the purpose of the Code in that:

- The boundary realignment creates lots that are functional and suitable and that are consistent with the existing zone and precinct intent. Specifically, the lot sizes of proposed lots 1 and 2 exceed the minimum lot size and road frontage prescribed for the Township zone – Commercial precinct, being 600m² and 15 metres respectively.
- Despite the subject site being affected by the flood hazard overlay, the proposed development does not result in the creation of any additional lots in the flood hazard area and therefore does not increase risk to people or property. Any future intensification of either the Fire Station or Retirement Village would likely be subject to further “planning approval” (i.e. Development Permit for Material Change of Use) where the flood hazard would be considered in further detail at this point.
- There are no environmental values mapped over or near the subject site that would be compromised by the proposed boundary realignment.
- There are no national, state, local or Aboriginal cultural heritage values identified over the site that would be compromised by the proposed boundary realignment.
- Each lot will continue to be adequately serviced. Conditions of approval have been recommended that ensure that all water and sewerage connection points benefiting each use are wholly contained with their respective lots. The boundary realignment does not alter the current access arrangement for the Fire Station or Retirement Village.

The development complies with the purpose, performance outcomes and acceptable outcomes of the Township Zone Code. The purpose of the Code is encompassed by a set of outcomes prescribed under section 5.2.1.2 of the Planning Scheme. The proposed development does not compromise the purpose of the Code in that:

- The boundary realignment does not compromise the current use of the subject site or prejudice the future use of the subject site for uses preferred in the Township Zone. The resulting lot sizes and frontages exceed the minimum provisions prescribed for the Zone and precinct.
- Each lot will continue to be serviced by reticulated infrastructure. In the instance the boundary realignment results in service connection points being located outside the lot they are meant to be benefiting, the service connection points will need to be relocated.
- The boundary realignment will not result in any perceivable difference to the layout of the subject site when viewed from Shamrock Street.

In summary, this planning assessment concludes that the development is consistent with the Reconfiguring a Lot Code and Township Zone Code, being the applicable assessment benchmarks under the Planning Scheme. Conditions of approval reflect the elements of the assessment benchmark to ensure on-going compliance in terms of land use and amenity.

5.1 CENTRAL WEST REGIONAL PLAN

The Central West Regional Plan (September 2009) (Regional Plan) 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.

5.2 STATE PLANNING POLICY JULY 2017

The State Planning Policy (July 2017) (SPP) has been identified as being appropriately integrated with the Planning and Scheme and therefore an assessment against the Planning Scheme is considered to be an assessment against the SPP.

5.3 PREVIOUS DEVELOPMENT APPROVAL

At the time of writing, the most recent planning approval relating to the land, DA-14-2018/2019, was made available for review. This was a development permit for reconfiguring a lot (2 lots into 2 lots), dated 22 March 2019, which realigned the common boundary between the Retirement Village and neighbouring Council parkland to provide additional land to the former facility. An amended version of the approval was issued on 20 June 2019, following a minor change application.

The conditions of approval for the 2019 ROL permit are of no consequence to the recommendation in this report. Of note, the 2019 approval included an advisory note that recommended an agreement between Council and the Retirement Village be formalised to enable on-going pedestrian access to the amenities block, which as a result of the 2019 approval is under the Retirement Village's ownership now. It is understood this agreement between the parties is in place and the recommendation in this report will not compromise the continuation of public access to the amenities block.

No other approval records for the subject land were available for review.

6.0 REFERRALS

The application was internally referred to Council's Director of Works and Services (DWS) and Council's Building Certifier. Based on their feedback, there were no major issues requiring further investigation during the assessment process. From a building perspective, the realigned property boundary will not encroach within prescribed building setback areas under building legislation.

From an infrastructure perspective, it is understood both proposed lots will continue to benefit from reticulated service connections within their property boundaries. The shared access driveway from Shamrock Street was discussed as a potential future issue considering neither the Fire Station nor Retirement Village benefits from adequate driveway width on their own land. The application did not seek to regularise the access arrangement and it is therefore not addressed in this report. Any steps to apportion legal driveway access to each lot must be applicant-driven (if desired or necessary between the two owners) and Council can provide advice as required. Potentially a further ROL application for a boundary realignment and/or access easement will be required to regularise the access arrangement.

In discussion with the DWS, it was further noted that the proposed boundary realignment will not compromise ongoing public pedestrian access to the amenities block in the south-west corner of the Retirement Village lot.

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 Reconfiguring a Lot (Boundary Realignment), located at 125 Shamrock Street and 2 Coronation Drive, Blackall, formally described as Lot 1 on RP603923 and Lot 1 on SP309900, 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 2016* for applications requiring code assessment, which demonstrates the proposal's consistency with relevant matters and assessment benchmarks.

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) The boundary realignment results in lot sizes that exceed the 600m² minimum lot size requirement and 15 metre road frontage requirement for the Township zone (Commercial precinct).
- b) The realigned lots will continue to be serviced by all necessary reticulated services.
- c) Although the subject site is affected by flood hazard, the proposal does not result in the creation of any additional lots and is simply to rationalise the use of the

subject site to provide land where required by the Retirement Village to respond to growth pressures. Any future intensification of the land uses over the lots will likely be subject to further assessment and at which point the flood hazard risk would be considered.

- d) The proposal does not conflict with the needs of the local community and its reasonable development expectations for land within the Township zone (Commercial precinct).

Minute No. 23/07A/20

Carried 5/0

At this point Cr Johnstone and Cr Scobie returned to the meeting.

CLOSURE:

There being no further business to consider, the Mayor declared the Meeting closed at 11.05am.

CONFIRMATION OF MINUTES:

Confirmed by Council as a true and correct record at the General Meeting held on Wednesday 19 August 2020.

Signed.....Mayor