



**MINUTES OF THE GENERAL MEETING OF
BLACKALL-TAMBO REGIONAL COUNCIL
HELD AT THE TAMBO COUNCIL CHAMBERS
ON FRIDAY 21 MAY 2021
AT 8.30AM**

PRESENT:

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

OFFICERS:

Mr Des Howard, Chief Executive Officer, Mr Garth Kath, Director of Works and Services, 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:

- Mabel Amelia Marks
 - Adrian Prow
-

DECLARATIONS OF INTEREST:

No conflicts of interest were declared.

Confirmation of General Meeting Minutes

MOTION: Moved: Cr PJ Pullos Seconded: Cr DA Hardie

That the minutes of the General Meeting held on 21 April 2021 be taken as read and confirmed, and that the Mayor be authorised to sign same with the following corrections.

**Item 6.1 Amended Budget
That Council:**

- 1. That Council adopts the amended budget for 2020/2021 financial year as presented; and**
- 2. That there be no change to the general rate that was set in the original 2020/2021 budget on 19 June 2020; and**

3. That the minimum general rates remain the same as those set in the original 2020/2021 budget on 19 June 2020; and
4. That the sewerage charges remain the same as those set in the original 2020/2021 budget on 19 June 2020; and
5. That the water charges remain the same as those set in the original 2020/2021 budget on 19 June 2020; and
6. That the waste collection and disposal charge remains the same as those set in the original 2020/2021 budget on 19 June 2020; and
7. That Council keep the interest rate at fifteen percent (15%) during the discount period on general rates levied by Council for the 2020/2021 financial year; and
8. That interest at the percentage rate of **8.53%** per annum be unchanged by the Council for the 2020/2021 financial year for rates and charges not paid by the due date for discount; and
9. That aged pensioners having a Commonwealth Government Concession Card be granted a remission of the general rate and services charges up to a maximum of \$340.00 per annum for the 2020/2021 financial year under the same criteria as the State Government Pensioner Remission Scheme; and
10. That the Revenue Policy as presented be adopted; and
11. That the **amended** Revenue Statement as presented be adopted; and
12. That the amended ten-year Financial Forecast as presented be received; and
13. That the amended budgeted income statement for the year ending 30 June 2021 as presented be adopted; and
14. That the amended budget balance sheet for the year ending 30 June 2021 as presented be adopted; and
15. That the amended budgeted statement for changes in equity for the year ending 30 June 2021 as presented be adopted; and
16. That the amended budgeted statement of cash flows for the year ending 30 June 2021 as presented be adopted.

Minute No. 01/05A/21

Carried 7/0

4.1.1 Financial Report for the Month of April

The Finance Report for April 2021 was presented to Council.

MOTION: Moved: Cr LP Russell

Seconded: Cr GK Schluter

That Council receive the financial report for April 2021.

Minute No. 02/05A/21

Carried 7/0

4.1.2 DFCCS Operations Report – April 2021

The Director of Finance Corporate and Community Services operations report for April 2021 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 JH Scobie** **Seconded: Cr DA Hardie**

That Council receive the DFCCS Operations Report for April 2021.

Minute No. 03/05A/21

Carried 7/0

4.1.3 Environmental Health Officer's Report

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

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

That Council receive the Environmental Health Officer's report.

Minute No. 04/05A/21

Carried 7/0

4.1.4 Ranger Coordinator's Report

The Ranger Coordinator's report for April 2021 is provided to Council.

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

That Council receive the Ranger Coordinator's report for April 2021.

Minute No. 05/05A/21

Carried 7/0

4.1.5 Southern Cross Association Request Annual 5-Day Poker Run

The Southern Cross Association requests the use of the Blackall Showgrounds for one night, Wednesday 8 September 2021.

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

That Council **approve the Southern Cross Associations request.**

Minute No. 06/05A/21

Carried 7/0

4.1.6 Operational Plan Review

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

MOTION: **Moved: Cr PJ Pullos** **Seconded: Cr DA Hardie**

That Council receive the March 2021 report.

Minute No. 07/05A/21

Carried 7/0

4.1.7 Peace Christian Church

The Peach Christian Church requests the use of the Blackall Showgrounds for one night, Friday 2 July 2021.

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

That Council **approve the Peace Christian Church's request.**

Minute No. 08/05A/21

Carried 7/0

4.1.8 Asset Management Plans

Update of Asset Management Plans, Asset Management Policy.

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

That Council approve the updated Asset Management Plans and Asset Management Policy.

Minute No. 09/05A/21

Carried 7/0

4.2.1 Director of Works and Services Operations Report – April 2021

The Director of Works and Services report for April 2021 is presented to Council.

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

That Council receive the Director of Works and Services' Operation Report for April 2021.

Minute No. 10/05A/21

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

That Council receive the Work Health and Safety Report for April 2021.

Minute No. 11/05A/21

Carried 7/0

5.1 Blackall Saleyards Monthly Report

The Blackall Saleyards monthly report for April is presented to Council.

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

That Council receive the Blackall Saleyards monthly report for April 2021.

Minute No. 12/05A/21

Carried 7/0

5.2 Planning and Development Report

The Planning and Development Report is presented to Council.

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

That Council receive the Planning and Development Report for April 2021.

Minute No. 13/05A/21

Carried 7/0

5.3 Blackall and Tambo Pool Leases

Tenders were requested for the lease of the Blackall Aquatic Centre and Tambo Pool.

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

That Council endorse the decision of the Chief Executive Officer to:

- 1. Award the lease for the Blackall Aquatic Centre to Shane and Linda Uprichard as they provide best value for money, have the appropriate qualifications and are experienced; and**
- 2. Award the lease for the Tambo Pool to Jonathan and Cindy Holmes as they provide best value for money, have appropriate qualifications and proven experience.**

Minute No. 14/05A/21

Carried 7/0

5.4 Support of Petition to Central West Hospital and Health Service

The community of Tambo have raised a petition to improve the services provided at the Tambo Primary Health Centre.

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

That Council support the petition to Central West Hospital and Health Service for the improvement of services provided at the Tambo Primary Health Centre.

Minute No. 15/05A/21

Carried 7/0

5.5 Localised Mental Health Initiatives

Council has been successful in obtaining grant funding through Queensland Health for the Localised Mental Health Initiative program.

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

That Council accept the offer of funding of \$75,000 (ex GST) from the Localised Mental Health Initiatives program.

Minute No. 16/05A/21

Carried 7/0

5.6 Development Application – DA 23-2020-2021 – Reconfiguring a Lot – Boundary Realignment (Two (2) into Two (2) Lots) – Langlo Road, Scrubby Creek – Lot 1 and Lot 2 on GW25

Council has received an application for Reconfiguring a Lot – Boundary Realignment (two (2) into two (2) Lots).

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

That Blackall-Tambo Regional Council approves the application for a Development Permit for Reconfiguring a Lot (Boundary Realignment) on land located Langlo Road, Scrubby Creek, described as Lot 1 and Lot 2 on GW25.

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 Subdivision Lots 1 and 2 on GW25 Blackall-Tambo Regional Council*, Job & Plan No. 400187_01, File: 400187, dated 22 March 2021 and prepared by Murray & Associates Surveyors and Town Planners.
- 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 ACCESS

- 3.1 Access to proposed Lot 1 and Lot 2 must be from the existing access locations on Langlo Road.

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.
- 6.2 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.
- 6.3 Any damage caused to any public utility during the course of this development permit 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	Langlo Road, Scrubby Creek	
RPD	Lot 1 on GW25 Lot 2 on GW25	
Site Area	Lot 1: 5,734.8 hectares; Lot 2: 5,252.01 hectares	
Landowner	Lot 1: David Elmes and Emma Elmes; Lot 2: Donna Doyle	
Existing use of land	Lot 1: Livestock grazing Lot 2: Dwelling house and livestock grazing	
APPLICATION DETAILS		
Application No.	DA23-2020-2021	
Applicant	David Elmes C/- Murray & Associates (QLD) Pty Ltd	
Application description	Development Application seeking Development Permit for Reconfiguring a Lot (Boundary Realignment)	
Date application was made	13 April 2021	
Decision due date	3 June 2021	
Proposal	Boundary realignment of two lots	
Main Issues/Resolution	Issue	Resolution
	Nil	Nil
STATUTORY DETAILS		
Mapped matters of interest under PR 2017	Lot 1 and Lot 2 Agriculture <ul style="list-style-type: none"> • Stock route network • Biodiversity • MSES – Regulation vegetation (Category B and C, and intersecting a watercourse) 	

	Natural Hazards Risk and Resilience <ul style="list-style-type: none"> Flood hazard area – Level 1 – Queensland floodplain assessment overlay Bushfire prone area
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	Rural
Overlays	Flood Hazard Map – Queensland Floodplain Assessment Overlay
Level of Assessment	Code Assessment

2.0 PROPOSAL BACKGROUND

Application lodged	29 March 2021
Action notice issued	13 April 2021
Application properly made	13 April 2021
Decision Due	3 June 2021

3.0 SITE AND SURROUNDS DESCRIPTION

The site is located at Langlo Road, Scrubby Creek, formally described as Lot 1 and Lot 2 on GW25, hereon referred to as the 'subject site' (see **Figure 1**). The subject site contains two large rural properties which are both used for livestock grazing. Lot 1 is 5,734.8 hectares and Lot 2 is 5,252.01 hectares. The subject site is irregular in shape and comprises a total area of 10,986.81 hectares.

There is an existing dwelling house and ancillary outbuildings on Lot 2 situated on the western side of Langlo Road. This dwelling house is serviced by rainwater tanks, reticulated electricity, telecommunications, and an on-site effluent system. Langlo Road is an all-weather dirt road which traverses in a south to north direction through the subject site. Lot 2 is also intersected by Graf Road, which is a stock route.

There are no buildings on Lot 1 and the property is used solely for the grazing of livestock, which are watered by dams filled by surface water, as well as bore water pumped to tanks.

There are numerous constructed access points from Langlo Road which provide access to the subject site. Both sites are then accessed internally via a series of driveways.

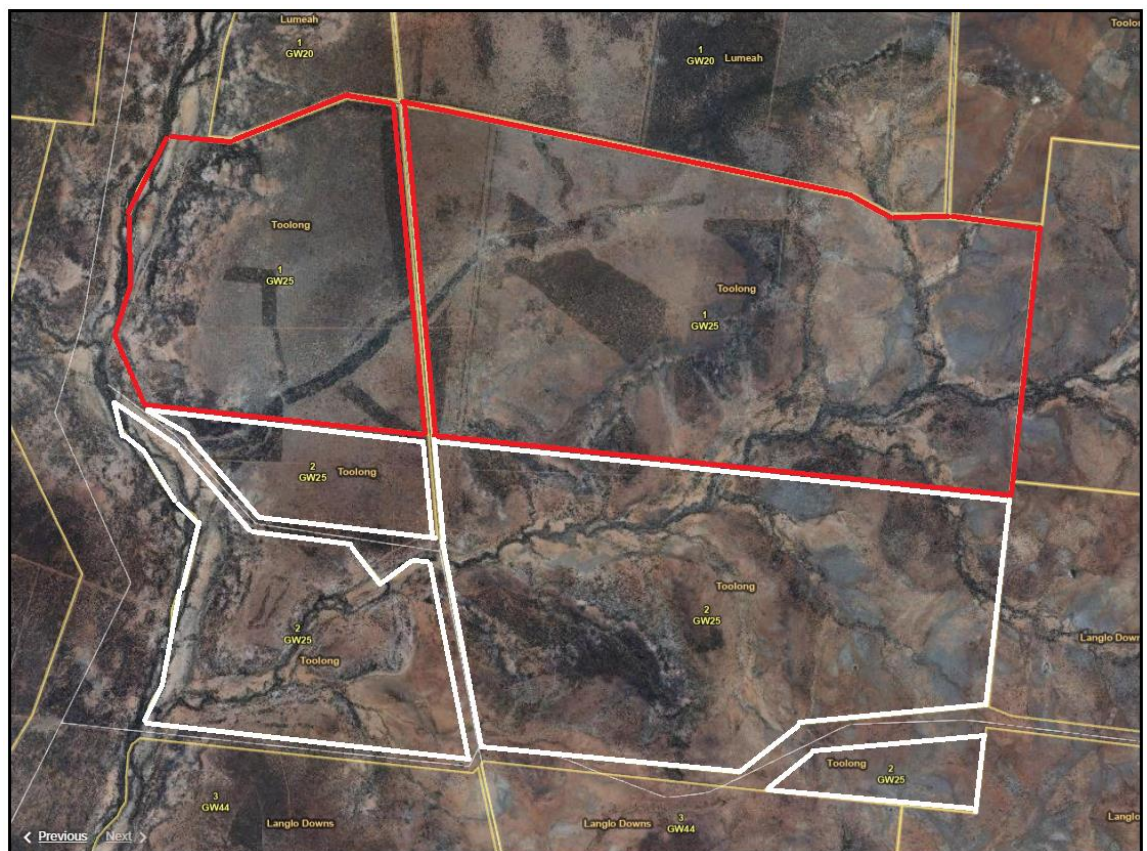


FIGURE 1 – AERIAL OF SUBJECT SITE (Lot 1 outlined in red and Lot 2 outlined in white)

4.0 DESCRIPTION OF PROPOSAL

The application seeks to reconfigure the common boundary between the two lots so that it aligns with the existing fence line currently separating the two lots. **Figure 1** shows the existing boundary of both allotments which form the subject site and **Figure 2** shows the existing boundary to be cancelled (dotted line) as well as the proposed boundary (shown in red). This changes the lot size of existing Lots 1

and 2 from 5,734.8 and 5,252.01 hectares to 6,265.24 and 4,721.57 hectares, respectively. This results in a land swap of 530.44 hectares to be added onto proposed Lot 1.

It is proposed that no infrastructure upgrades are required, as Lot 1 is solely used for grazing livestock and Lot 2 is to retain the existing service connections to the existing dwelling house. Access points along Langlo Road are proposed to remain unchanged. The proposed development will result in no change to the flow of stormwater over the subject site.

Refer to **Attachment 1** for a complete version of the proposed plan.



FIGURE 2 – EXERT OF PROPOSED PLAN OF SUBDIVISION

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 benchmarks are the Reconfiguring a Lot Code and the Rural 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 2009*, 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.

5.1 BLACKALL-TAMBO REGION PLANNING SCHEME 2020

The proposed development is for 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 Rural Zone Code.

5.1.2 RECONFIGURING A LOT CODE

The development complies with the purpose and performance 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 proposed lot layout is safe, functional, and suitable and are consistent with the existing Rural Zone locality;
- The proposed lot layout does not result in an increase in threat from bushfire or flooding events, does not hinder disaster management capacities and capabilities, and has adequate infrastructure provision;
- There is no loss to biodiversity and ecological connectivity, quality, or values;
- The proposal does not result in fragmentation of rural zoned land that would diminish the productivity of the site; and
- The proposal does not impact on the Langlo Road, or Graf Road, which is part of the stock route network.

Whilst the application complies with the overall outcomes of the Reconfiguring a Lot Code, the application is required to be assessed against the 'acceptable outcomes (AO)' of the code. Where compliance with the AO cannot be achieved, a planning assessment against the corresponding Performance Outcome (PO) is required. AO1 of the Code states that the allotment dimensions are to comply with *Table 6.3.3.1 – Acceptable outcomes for lot sizes and frontages*. It is noted that for land within the Rural zone, the minimum lot size is 5,000 hectares, with no specified road frontage length.

The proposed development results in proposed Lot 2 being 4,721.57 hectares, which is 278.43 hectares below the 5,000 hectare acceptable outcome. As the application does not comply with AO1, assessment against the corresponding PO1 is therefore required. PO1 is set out below:

PO1: *The proposed lots are of a size and dimension to meet the outcomes for development in the zones and precincts in respect of:*

- (a) *preserving land for agriculture, animal production and environmental conservation in the Rural Zone;*
- (b) *achieving a safe and pleasant residential environment in the Township Zone;*
- (c) *consistency with the nature and layout of existing subdivision patterns; and*
- (d) *providing a variety of lots sizes for residential living, industry and commerce.*

Whilst proposed Lot 2 is 278.43 hectares below the minimum lot size, the proposed development complies with PO1 in that:

- The proposed boundary realignment will not detrimentally impact on the subject site's viability to continue operating agricultural activities; and
- The two lots will continue to be consistent with the lot layout and size of other rural allotments within the Blackall Tambo Regional Council area.

Compliance with the below PO is also demonstrated as follows:

PO9: The creation of new lots avoids significant adverse impacts on the region's important biodiversity identified in the SPP mapping – Environment and Heritage (Biodiversity) and maintains and enhances ecological connectivity.

The proposed boundary follows the existing fence line which runs directly through approximately 1,737 metres of Category B (Least Concern) and 700 metres of Category B (Of Concern) vegetation. It is noted that this new boundary will result in Exempt Clearing Works, which allows the property owner/s to clear for essential management along a fenceline, which includes a firebreak with the width of 20 metres, or 1.5 times the height of the tallest tree, whichever is greater. Clearing for firebreaks is not considered to significantly impact on biodiversity values.

A potable water supply, on-site sewerage services, electricity and telecommunications is not conditioned for Lot 1 due to the on-going rural use of the lot for grazing purposes.

5.1.3 RURAL ZONE CODE

The development complies with the purpose, performance outcome and acceptable outcomes of the Rural Zone Code. The purpose of the code is encompassed by a set of outcomes prescribed under section 5.2.2.2 of the Planning Scheme. Assessment of these provisions found:

- The boundary realignment does not impact on the continued operation of the land for rural activities;

- The proposal rationalises the occupation of land with the boundary now following existing fencelines separating the two properties;
- Each lot has existing connections and access to all necessary infrastructure for the use of the land to continue; and
- The proposal will not have a detrimental impact on the environment or Council infrastructure.

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

5.2 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.

5.3 STATE PLANNING POLICY JULY 2017

The State Planning Policy (July 2017) (SPP) 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.

5.4 PREVIOUS DEVELOPMENT APPROVAL

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

6.0 REFERRALS

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 Langlo Road, Scrubby Creek, formally described as Lot 1 and Lot 2 on GW25, 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 the relevant matters and assessment benchmarks.

In accordance with the requirements for a decision notice under section 63 of 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 will not detrimentally impact on Lot 1 and Lot 2 on GW25's viability for on-going agricultural activities;
- b) The realigned lots will continue to be consistent with the lot layout of other rural allotments within the Blackall Tambo Regional Council area;
- c) The realigned lots will continue to be serviced by all necessary infrastructure services;
- d) The proposal does not conflict with the reasonable development expectations for land within the Rural Zone; and
- e) Although the subject site is partially affected by the Bushfire Prone Area shown on State Planning Policy mapping, the proposal does not result in the creation of any additional lots and therefore does not worsen the hazard risk.

Minute No. 17/05A/21

Carried 7/0

CLOSURE:

There being no further business to consider, the Mayor declared the Meeting closed at 9.30am.

CONFIRMATION OF MINUTES:

Confirmed by Council as a true and correct record at the General Meeting held on Wednesday 16 June 2021.

Signed.....Mayor